

THURSDAY, APRIL 30, 1992

NINETIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rep. Ferguson.

Representative Rep. Windle led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Love; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 29, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, April 30, 1992:** House Bill(s) No(s). 2470, 2379 and 2165.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Thursday, April 30,**

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

1992: House Bill(s) No(s). 2559; Senate Joint Resolution(s) No(s). 421, 321, 323 and 378; House Resolution(s) No(s). 190; House Joint Resolution(s) No(s). 700 and 712; also, Senate Joint Resolution(s) No(s). 119 and 395.

PHILLIPS, Chair.

**ENROLLED BILLS
April 29, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 123, 126, 1732, 1753, 1850, 1996, 2087, 2114, 2145, 2249, 2278, 2376, 2378, 2411, 2433, 2484, 2537, 2558, 2599, 2615, 2650, 2667, 2706, 2719, 2785, 2789, 2814, 2816, 2855, 2856, 2858, 2859, 2861 and 2862; House Resolution(s) No(s). 218, 219, 220, 221, 222, 223, 224, 225, 227, 228 and 229; also, House Joint Resolution(s) No(s). 495, 519, 588, 589, 601, 602, 604, 605, 606, 607, 608, 609, 629, 630, 665, 676, 678, 679, 680, 682, 683, 684, 685, 686, 687, 688, 689, 691, 692, 693, 694, 695, 696, 699, 701, 702, 703, 704, 705, 706, 707, 708, 709 and 711; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 29, 1992**

The Speaker announced that he had signed the following: House Bill(s) No(s). 123, 126, 1732, 1753, 1850, 1996, 2087, 2114, 2145, 2249, 2278, 2376, 2378, 2411, 2433, 2484, 2537, 2558, 2599, 2615, 2650, 2667, 2706, 2719, 2785, 2789, 2814, 2816, 2855, 2856, 2858, 2859, 2861 and 2862; House Joint Resolution(s) No(s). 495, 519, 588, 589, 601, 602, 604, 605, 606, 607, 608, 609, 629, 630, 665, 676, 678, 679, 680, 682, 683, 684, 685, 686, 687, 688, 689, 691, 692, 693, 694, 695, 696, 699, 701, 702, 703, 704, 705, 706, 707, 708, 709 and 711; also, House Resolution(s) No(s). 218, 219, 220, 221, 222, 223, 224, 225, 227, 228 and 229.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 29, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2087; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

**REPORT OF CHIEF ENGROSSING CLERK
April 29, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 2087; for his action.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

PRESENT IN CHAMBER

Representative(s) Garrett, Tullos and U. Jones was/were recorded as being present in the Chamber.

BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Liles moved that the Clerk request the return of House Bill No. 1609 from the Governor, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

RULES SUSPENDED

Rep. King moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 2836 can be heard by the Government Operations Committee during lunch break today, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 12, so that the order of business would be the Consent Calendar, Message Calendar and Regular Calendar, which motion prevailed.

CONSENT CALENDAR

House Bill No. 2873 -- Morgan County -- Abolishes office of at-large school district commissioner. Amends Chapter 362, Private Acts of 1941, as amended.

House Bill No. 2875 -- LaFollette -- Gives city judge concurrent jurisdiction with general sessions court for violations occurring in city. Amends Chapter 161, Acts of 1897, as amended.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

House Bill No. 2877 -- Portland -- Revises salary provisions of city charter. Amends Chapter 176, Private Acts of 1992.

House Bill No. 2878 -- Smithville -- Makes office of mayor full-time position with salary of no more than \$1,000 per month upon approval by referendum in June, 1992 election. Amends Chapter 486, Private Acts of 1941, as amended.

House Bill No. 2879 -- Lewis County -- Transfers duties of juvenile court clerk from county clerk to clerk of circuit court. Amends Chapter 509, Private Acts of 1941, as amended.

House Bill No. 2559 -- Home Improvement Contractors -- Authorizes home improvement commission to pay claims as provided from guaranty fund and to disallow new claims filed; terminates fund upon exhaustion. Same as *SB 2163/HB 2099. Amends TCA, Title 62, Ch. 37, Pt. 1.

On motion, House Bill No. 2559 was made to conform with Senate Bill No. 2577.

On motion, **Senate Bill No. 2577**, on same subject, was substituted for House Bill No. 2559.

***Senate Joint Resolution No. 0421** -- Highway Signs -- "William A. Harwell Memorial Highway," U.S. 43, Lawrence County.

House Resolution No. 0190 -- General Assembly, Studies -- Directs Criminal Practice Subcommittee of House Judiciary Committee to study insanity defense in criminal prosecutions.

Senate Joint Resolution No. 0321 -- Memorials, Government Officials -- Directs department of financial institutions to study need for state to examine bank holding companies and to monitor actions of Congress in regulation of banks and bank holding companies.

***Senate Joint Resolution No. 0323** -- General Assembly, Studies -- Establishes joint study committee on emergency communications.

***Senate Joint Resolution No. 0378** -- General Assembly, Directed Studies -- Directs Fiscal Review Committee to study consolidation of state investigative agencies.

***House Joint Resolution No. 0700** -- General Assembly, Studies -- Creates special joint committee to study traumatic head injuries.

House Joint Resolution No. 0712 -- General Assembly, Directed Studies -- Directs study of feasibility of transferring state fire academy at Murfreesboro from state board of regents to department of commerce and insurance.

***Senate Joint Resolution No. 0119** -- General Assembly, Studies -- Continues SJR 440 to study desirability and feasibility of establishing statewide program of general public assistance.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

***Senate Joint Resolution No. 0395 -- Naming and Designating -- "Marilyn Lloyd Aviation Center," National Guard Aviation Facility in Chattanooga.**

Senate Joint Resolution No. 0472 -- Memorials, Public Service -- Chancellor Lawrence Fricks Stewart.

Senate Joint Resolution No. 0473 -- Memorials, Personal Achievement -- Lucretia Boyle, Academic All-American First Team.

Senate Joint Resolution No. 0475 -- Memorials, Public Service -- Frank C. Perkins.

Senate Joint Resolution No. 0481 -- Memorials, Interns -- Connie Bailey.

Senate Joint Resolution No. 0483 -- Memorials, Public Service -- Dr. Benjamin Hooks, NAACP Executive Director.

Senate Joint Resolution No. 0485 -- Memorials, Heroism -- James Albert Kennedy.

Senate Joint Resolution No. 0487 -- Memorials, Professional and Business Achievement -- JoAnn North.

Senate Joint Resolution No. 0493 -- Memorials, Personal Occasion -- Bishop and Mrs. Gilbert E. Patterson, 25th Wedding Anniversary.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniell, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Representatives present and not voting were: Chiles -- 1.

A motion to reconsider was tabled.

**MESSAGE FROM THE GOVERNOR
April 30, 1992**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 1609, as requested.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1187** -- Criminal Offenses -- Expands RICO to include certain offenses involving child pornography as predicate offenses. Amends TCA, Title 39, Ch. 12, Pt. 2.

Senate Amendment No. 1

AMEND House Bill No. 1187 by deleting the amendatory language of SECTION 1 and substituting instead the following:

or involving aggravated sexual exploitation of a minor or especially aggravated sexual exploitation of a minor under Tennessee Code Annotated, Section 39-17-1004(b)(1)(A) and Tennessee Code Annotated, Section 39-17-1005(a)(1);

FURTHER AMEND by deleting the amendatory language of SECTION 2 and substituting instead the following:

or in violation of Tennessee Code Annotated, Section 39-17-1004(b)(1)(A) or Tennessee Code Annotated, Section 39-17-1005(a)(1) involving aggravated sexual exploitation of a minor and especially aggravated sexual exploitation of a minor;

Senate Amendment No. 2

Amend House Bill No. 1187 by deleting from Section 3 the date "1991" and substituting the date "1992".

Rep. Wood moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 1187**, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1652** -- General Assembly -- Limits reimbursement of members to one trip from home to Nashville per week. Amends TCA 3-1-106.

Senate Amendment No. 1

Amend House Bill No. 1652 by inserting after the words "each member" in the amendatory language of Section 1 of the printed bill the words "of the house of representatives".

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1652, which motion prevailed by the following vote:

Ayes.	89
Noes.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Copeland, Jones U (Shelby), Kernell, Pruitt, Severance, Turner (Shelby) -- 6.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the motion to concur in Senate Amendment No. 1 to House Bill No. 1652 and have this statement entered in the Journal.

Rep. Edna H. Tullos

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1687** -- Taxes, Sales -- Releases successor owner of business from sales and use tax liability of original owner if original owner pays amount due or settles with state. Amends TCA, Title 67, Ch. 6, Pt. 5.

Senate Amendment No. 2

Amend House Bill No. 1687 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-513, is amended by changing the period at the end thereof to a semicolon and adding the following language:

provided, however, the amount of the purchaser's liability for payment of such taxes, interest and penalties shall not exceed the amount of the purchase money paid by the purchaser to the seller in good faith and for full and adequate consideration in money or money's worth. The term "purchase money," as used herein, includes cash paid, purchase money notes given by purchaser to seller, the cancellation of the seller's indebtedness to the purchaser, the fair market value of property or other consideration given by purchaser to seller; and does not include indebtedness of the seller either taken or assumed by the purchaser when a tax lien has not been filed.

Provided, further, such purchaser shall have no liability for such taxes, interest or penalties if the department releases the former owner, owners or assigns from the original liability for such taxes, interest or penalty through payment of the amount due, and settlement with the department.

Provided, further, a purchaser who, in good faith and without knowledge of any false statement therein,

receives from the seller at the time of the purchase an affidavit stating under oath or the penalties of perjury the amount of such taxes, penalty and interest due and unpaid by the seller to the department through the date of the purchase (or a statement that there are no due and unpaid taxes, penalty and interest), who in good faith withholds and sets aside from the purchase money to be paid to the seller an amount sufficient to pay the amount of such taxes, penalty and interest shown to be due and unpaid in the seller's affidavit, and who tenders a copy of the seller's affidavit by registered or certified mail or by personal service to the tax enforcement division of the department of revenue shall be entitled to a release from the commissioner from any liability, in excess of that shown on the affidavit, for the payment of the taxes, interest, and penalties accrued and unpaid on account of the operation of the business by any former owner or assigns, unless the commissioner notifies the purchaser of the correct tax liability at the return address provided by the purchaser within fifteen (15) days of receipt of the affidavit.

SECTION 2. This act shall take effect July 1, 1992, the public welfare requiring it.

Rep. Walley moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1687, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

BILL RETURNED

Rep. Liles moved that House Bill No. 1609 be returned to the Governor, which motion prevailed.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1817** -- Sunset Laws -- Health facilities commission, June 30, 1994. Amends TCA, Title 4, Ch. 29; Title 33, Ch. 5; Title 56, Ch. 7; Title 68, Ch. 11.

Further consideration of House Bill No. 1817, previously considered on April 20, 1992, at which time the motion was made to divide the question on the concurrence in Senate Amendments, with Amendment No. 7 as Division I and Amendment(s) No(s). 12, 13 and 14 as Division II, and the bill was reset to the Message Calendars for April 23, 28 and 30.

Senate Amendment No. 7

Amend House Bill No. 1817 by adding between the first and second unnumbered sections of Amendment 2 as follows:

Section _____. No certificate of need shall be required for any ambulatory surgical treatment center which is under construction or for the establishment of which a financial outlay has been made or a financial obligation incurred.

Senate Amendment No. 12

Amend House Bill No. 1817 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No provision of this act shall be construed to require a certificate of need for any service, facility, or equipment which was offered, in use or operation [sic] prior to the effective date of this act and for which a certificate of need was not required prior to the effective date of this act.

Senate Amendment No. 13

Amend House Bill No. 1817 by adding the following new section before the effective date section and by renumbering the effective date section accordingly:

Tennessee Code Annotated, Section 68-11-106, is amended by adding the followig [sic] new subsection:

(_____) A hospital with fewer than one hundred (100) Ticensed beds may increase its total number of

licensed beds by ten (10) beds over any period of one (1) year without obtaining a certificate of need. The hospital shall provide written notice of the proposed increase in beds to the commission on forms provided by the commission, simultaneous with the hospital's request for review to the board of licensing health care facilities.

Senate Amendment No. 14

Amend House Bill No. 1817 by deleting Tennessee Code Annotated Section 68-11-106(e)(4) in its entirety.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

MESSAGE CALENDAR, CONTINUED

Rep. Copeland asked Rep. King for an explanation of each of the amendments and intent thereof.

Rep. King responded with the following:

**EXPLANATION OF SENATE AMENDMENTS
TO HOUSE BILL 1817**

Amendment No. 7 - Creates a "grandfather" provision for ambulatory surgical treatment centers ("ASTCs") which are under construction or for which a financial outlay has been made prior to the effective date of the act. This grandfather provision means that ASTCs under construction or for which a financial commitment has been made will not require a CON. The Health Facilities Commission, under its standard determination process, will be able to decide whether a facility meets the grandfather provision. The grandfather provision will apply only to the initial establishment of the facility; any future changes or explanations that require a CON will not be grandfathered.

Amendment No. 12 - Simply a clarifying amendment, making it clear that nothing in this bill requires any service, facility or equipment in operation prior to the effective date of this act to obtain a CON was not previously required.

Amendment No. 13 - Permits a hospital with fewer than 100 beds to increase its total number of licensed beds by ten (10) in a one-year period. This provision is consistent with a provision that has been law for several years for nursing homes.

Amendment No. 14 - The effect of Amendment No. 14 is to delete the language in the current law to make it clear that outpatient surgery treatment facilities owned by hospitals are subject to the same certificate of need requirements as stand-alone ambulance

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

surgical treatment facilities owned by hospitals are subject to the same certificate of need requirements as stand-alone ambulance surgical treatment centers.

Thereupon, Rep. Copeland withdrew his request for the Division of the Question on the amendments.

Thereupon, Rep. King moved that the House concur in Senate Amendment(s) No(s). 7, 12, 13 and 14 to **House Bill No. 1817**, which motion prevailed by the following vote:

Ayes.	90
Noes.	6
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Allen, Chiles, Duer, Harrill, Hill, Wood -- 6.

Representatives present and not voting were: Whitson -- 1.

A motion to reconsider was tabled.

House Bill No. 2115 -- Hazardous Materials -- Requires the Tennessee Emergency Management Agency to keep records of accidents for three years; authorizes fees for copying and other costs for persons who want access to records. Amends TCA, Title 58, Ch. 2, Pt. 3.

Senate Amendment No. 3

Amend House Bill No. 2115 by adding the following as a new section to be appropriately designated:

SECTION _____. Section 1 of this act, as amended, is amended by designating the existing language as subsection (a), and by adding a new subsection thereto, as follows:

(b) For the purposes of this section "costs" shall also include reasonable attorney's fees if the county legislative body, the county emergency management agency, or other body authorized by the county legislative body prevails in an action to recover its expenses from any person or persons responsible for causing a discharge of hazardous substances that requires emergency action.

Rep. Callicott moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2115**, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowikes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2235 -- Insurance, Health, Accident -- Allows funds returned to state by provider of supplemental medical insurance to be deemed to belong to those participating retirees during period gain was generated; allows state to hold funds in trust. Amends TCA 8-27-701.

Senate Amendment No. 2

Amend House Bill No. 2235 by deleting section 1 in its entirety and substituting the following in lieu thereof:

Section 1. Tennessee Code Annotated, Section 8-27-701, is amended by adding a new paragraph to Section 1 to read as follows:

If, pursuant to any contract for insurance coverage authorized by this section, the provider or

administrator returns or refunds any amounts by which premiums or fees exceed expenses, such amounts shall be used only for the supplemental medical insurance program for retirees and in no instance shall the returns or refunds be used to reduce the amount of state funding which would otherwise be required under the provisions of Section 8-27-702(b), TCA.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2235**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2434 -- Holidays -- Designates January 30 of each year as a day of special observance, to be known as "Franklin D. Roosevelt Day" to honor his initiation of the Tennessee Valley Authority. Amends TCA, Title 15.

Rep. Crain moved that the House refuse to recede from its action in adopting House Amendment No. 1 to **Senate Bill No. 2434**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2516** -- Courts -- Requires submission of bills affecting judicial system to judicial council by April 1; requires council to make report to governor and supreme court concerning legislation for new defender positions and/or proposals by December 1 of each year. Amends TCA, Title 16, Ch. 21.

Senate Amendment No. 1

Amend House Bill No. 2516 by deleting from the second sentence of subsection (5) of the amendatory language of SECTION 1 the date "April 1" and substituting instead the date "August 12".

Senate Amendment No. 2

Amend House Bill No. 2516 by designating the existing language of subsection (5) of the amendatory language of SECTION 1 as subsection (5)(A) and by adding the following new subsection (5)(B):

(B) The August 12 deadline for filing legislation with the judicial council set out in subpart (A) of this subsection may be waived in individual cases if the chairman of the judicial council, the chairman of the house of representatives judiciary committee and the chairman of the senate judiciary committee determine that:

(i) because of circumstances beyond the control of a sponsor of legislation seeking such council recommendations, legislation could not reasonably be filed by such August 12 deadline; and

(ii) the legislation is necessitated by an emergency situation of sufficient importance to the judiciary that the interests of justice merit the waiver of such filing deadline.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to House Bill No. No. 2516, which motion prevailed by the following vote:

Ayes.	90
Noes.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Chiles, Duer, Harrill -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the motion to concur in Amendments Nos. 1 and 2 to House Bill No. 2516 and have this statement entered in the Journal.

Rep. John Bragg

MESSAGE CALENDAR, CONTINUED

MOTION TO RECONSIDER

*Senate Bill No. 2554 -- Motor Vehicles -- Permits vehicles used for law enforcement purposes to violate certain rules of the road without using siren or light if in route to scene of crime in progress and use would jeopardize safety of driver, member of public or would impair driver's ability to apprehend criminal. Amends TCA, Title 55, Ch. 8.

Rep. Hubbard moved to lift from the table the motion to reconsider Senate Bill No. 2554, which motion prevailed.

Rep. Hubbard moved to reconsider action in passing Senate Bill No. 2554, which motion prevailed.

Rep. Hubbard moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2554 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 55-8-108 is further amended by adding the following new subparts to subsection (c):

() Nothing in this act shall be construed to authorize or change the liability of any law enforcement officer or agency for any action taken pursuant to this act.

() If a law enforcement officer proceeds through an intersection, red or stop signal, stop sign or exceeds the posted speed limit without audible or visual signals, such act or acts shall be construed as negligence per se if such act or acts are a proximate cause of any property damage or personal injury.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Hubbard moved that **Senate Bill No. 2554**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	75
Noes.	19

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hillis, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Wix, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Bell, Bittle, Bragg, Haley, Hill, Holcomb, Holt, Kent, Liles, McAfee, Peroulas Draper, Phillips, Turner (Shelby), West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham -- 19.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 2554 as amended and have this statement entered in the Journal.

Rep. Dennis Ferguson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 2554 as amended and have this statement entered in the Journal.

Rep. Randy Stamps

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 2554 as amended and have this statement entered in the Journal.

Rep. Beth Halteman

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Joint Resolution No. 0447 -- Naming and Designating -- Margaret B. Vaughn, a Tennessee Bard.

Senate Amendment No. 2

Amend House Joint Resolution No. 447 by deleting "Tennessee's Bard" and replacing the same with "a Tennessee Bard".

Rep. Phillips moved that the House concur in Senate Amendment(s) No(s). 2 to House Joint Resolution No. 447, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to concur in Senate Amendment No. 2 to House Joint Resolution No. 447 and have this statement entered in the Journal.

Rep. John Chiles

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 0476 -- Taxes -- Enacts "Tax Reform Law of

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

1991". Amends TCA, Titles 2, 67.

Senate Amendment No. 1

Amend House Bill No. 476 by deleting all language following the enacting clause in its entirety and substituting instead the following:

SECTION 1. In order to ascertain the will of the people with respect to whether or not a limited constitutional convention should be called, there shall be submitted to the people of the state at the regular August election, to be held on Thursday, August 6, 1992, one (1) question, which shall be printed in full on each ballot or voting machine, in words and figures as follows:

CONSTITUTIONAL REFERENDUM

Question: Shall a convention be held to alter or reform the following provisions of the Constitution relative to taxation:

- 1) Article II, Section 28;
- 2) Article II, Section 29;
- 3) Article II, Section 30; and
- 4) Article XI, Section 9.

_____ FOR THE CONVENTION

_____ AGAINST THE CONVENTION

Voters will indicate their choice by placing a cross mark (x) opposite one or the other of the above expressions.

SECTION 2. The proper officers in all counties shall immediately after the election make a return to the secretary of state of the number of votes cast in their respective counties "For the Convention" and the number of votes cast "Against the Convention" with respect to the question in Section 1, and after comparison of the returns by the secretary of state and the attorney general, the governor shall, by proclamation, announce the results.

SECTION 3. If the people approve the question and thereby authorize the convention, delegates shall be elected at the regular November election which shall be held on Tuesday, November 3, 1992, under the general election laws of the state in the several counties and senatorial districts. There shall be thirty-three (33) delegates, with one (1) to be elected by the qualified voters of each senatorial district from which members are

elected to the senate of the general assembly of Tennessee, as such districts exist at the time delegates are elected to the Constitutional Convention. Delegates shall be subject to the Campaign Financial Disclosure Law, Tennessee Code Annotated, Title 2, Chapter 10, Part 1.

SECTION 4. Any person who is twenty-one (21) years of age, a citizen of the United States, and a citizen of Tennessee for three (3) years and a resident of the district for one (1) year may become a candidate for delegate to the convention upon filing with the county election commission of the county of residence a nominating petition containing not less than twenty-five (25) names of legally qualified voters of the senatorial district. In the case of a candidate from a senatorial district comprising more than one (1) county, only one (1) qualifying petition need be filed by the candidate, and that in the candidate's home county, with a certified copy thereof filed with the election commission of the other counties in the senatorial district.

Every person desiring to become a delegate to the convention shall qualify by the filing of qualifying petition or petitions by 12:00 o'clock noon, prevailing time, on September 3, 1992. The names of candidates for the delegates to the convention shall be placed on the official ballot alphabetically without reference to political affiliation. The candidate who receives the greatest number of votes shall be the delegate.

The returns from the various counties of the state electing delegates to the convention shall be certified to the secretary of state and canvassed by the secretary of state, the governor and the attorney general in the same manner and form as the returns are required to be certified from the election in which the people vote for and against the call of the convention, as provided in Section 1, and the governor shall, by proclamation, announce the names of those elected as delegates to the convention. Delegates to the convention, elected and certified, shall receive a certificate of election signed by the governor and attested by the secretary of state under the great seal of the state.

SECTION 5. The delegates elected to the convention shall assemble in the chamber of the senate at Nashville at 12:00 o'clock noon on July 1, 1993, and organize by electing one (1) of their members as president, another as secretary, and by electing such other officers as they consider necessary. If a majority of the delegates are not present on that date, those present shall adjourn from day to day until a majority appears, when the convention shall be organized. The convention when organized may adopt its own rules of procedure and employ such clerks, stenographers, reports, sergeants-at-arms, and other assistants as the convention considers necessary and fix

the amount of their compensation.

The compensation of the delegates to the convention shall be a per diem allowance in such amount as may prevail during the time the convention meets for members of the general assembly and they shall also be allowed the same mileage allowance as may be provided to members of the general assembly during the time the convention meets, which shall be paid by the state in the same manner that members of the general assembly are paid, upon certification by the president and secretary of the convention. Compensation and expenses of delegates and such other incidental expenses as may be necessarily incurred by the convention shall be paid by the commissioner of finance and administration on warrant drawn upon the treasurer, upon certification of the president and secretary of the convention. Compensation and expenses shall be limited to not more than sixty (60) convention days.

In case there shall be a vacancy in the membership of the convention from any county or senatorial district, it shall be filled by election by the legislative body of the county of residence of the delegate whose seat becomes vacant.

SECTION 6. It is the duty of the secretary of state to make publication in at least one (1) general circulation newspaper published in each county of the fact that a constitutional convention election is to be held in the state on Thursday, August 6, 1992. Any county not having a general circulation newspaper shall be considered to have been notified by publication in the newspaper published in counties immediately adjacent thereto. The secretary of state shall also certify to the various commissioners of the different counties the form for the ballot with reference to the constitutional convention election agreeable to the terms of this act and furnish the election commissioners with any other printed information pertaining to the election that is material or necessary.

If the people vote in favor of the convention, then it is the duty of the secretary of state to issue a call for the election of delegates to the convention. The election shall be held in the various counties of the state on Tuesday, November 3, 1992, and the secretary of state shall certify to the various county election commissioners the form of the ballot to be used in the election of delegates as provided in Section 4.

All ballots used in the 1992 regular August election shall include the above question as to holding the limited constitutional convention and the ballots used in the 1992 regular November election shall include the names of the candidates for delegates to such convention.

SECTION 7. The final action of the convention with respect to the alteration, reformation, abolishment or amendment of the section and the subject matter of the Constitution of Tennessee as set out in this act shall be duly certified by the president and the secretary of the convention and the original certified copy shall be transmitted to the secretary of state.

The convention shall have no authority to meet beyond September 30, 1993.

SECTION 8. Any amendment to the constitution adopted by the convention shall be submitted to the voters of the state for ratification or rejection of each separate amendment at an election to be held in such manner and on such date after the final adjournment of the convention as may be fixed and determined by the convention. If, for any reason, the convention itself does not call an election, then the general assembly next convening shall call an election for this purpose, fixing the date for the election and form of the ballot that shall be used. The official ballot to be used in any such election shall be arranged so that the voter can vote separately for the ratification or rejection of each and every amendment. Any election so held shall be held under the general election laws of the state.

When the election to ratify or reject any amendment to the constitution has been held, the various county election commissioners shall certify the result thereof in each county to the secretary of state, who, together with the governor and attorney general, shall canvass the returns and the governor shall issue a proclamation showing the result of the election on the ratification or rejection of the amendment. All amendments ratified and approved in the election held for that purpose shall be proclaimed by the governor as a part of the constitution of the state and such proclamation shall be filed in the office of the secretary of state.

SECTION 9. All expenses in connection with the holding of any of the elections authorized by this act shall be paid by the commissioner of finance and administration on warrant drawn upon the treasurer upon certification by the secretary of state to the correctness of each account. No compensation shall be paid by the state to the various county election commissioners for their services or for rental space or quarters in the various counties for places for holding any elections herein authorized.

SECTION 10. Any person acting as a lobbyist at the constitutional convention shall comply with Tennessee Code Annotated, Title 3, Chapter 6, as if the convention were the general assembly of the state of Tennessee.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 2

Amend House Bill No. 476 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The general assembly recognizes in enacting this act that it has enacted or may enact Senate Bill 2702/House Bill 2607 that also submits to the people the question of calling a constitutional convention to study certain portions of the Tennessee constitution. It is the intent of the general assembly in enacting both this act and Senate Bill 2702/House Bill 2607 that neither act supersede or repeal the other and that both such acts be given their full effect. If this act and Senate Bill 2702/House Bill 2607 are both enacted, the secretary of state is directed to place on the ballot both the question to be submitted to the people at the regular August election in 1992 by Section 63 of this act as printed and the question to be submitted by Section 1 of Senate Bill 2702/House Bill 2607 so that the question from each such act appears separately on the ballot. If the people approve the constitutional convention called by this act and Senate Bill 2702/House Bill 2607, only one (1) convention shall be elected and such convention shall perform the duties specified in both such acts.

Senate Amendment No. 3

Amend Amendment No. 1 to Senate Bill 1030 / House Bill 476 in SECTION 1 in the question to be submitted to the people by eliminating the following:

4) Article XI, Section 9

and by removing the word "and" from the end of item 3) and placing it at the end of item 2).

Rep. Copeland moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 3 to **House Bill No. 476**.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ayes.	31
Noes.	53
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg, Clark, Collier, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Givens, Hassell, Hillis, Holt, Huskey, Jones R (Shelby), Kisber, Moore, Napier, Phillips, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Tindell, Winningham -- 31.

Representatives voting no were: Anderson, Bittle, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Copeland, Davidson, Duer, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Haun, Head, Herron, Hill, Holcomb, Hubbard, Jackson, Johnson, Kent, Kernell, King, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Purcell, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wood -- 53.

Representatives present and not voting were: Davis (Cocke) -- 1.

Thereupon, Rep. Copeland moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 3 to **House Bill No. 476**, which motion failed by the following vote:

Ayes.	40
Noes.	55

Representatives voting aye were: Allen, Anderson, Bittle, Chiles, Clark, Coffey, Copeland, Duer, Gunnels, Haley, Halteman, Hargrove, Haun, Herron, Hill, Holcomb, Jackson, Johnson, Liles, McAfee, McKee, Meyer, Odom, Peroulas Draper, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Walley, West, Whitson, Williams (Shelby), Winningham, Wood -- 40.

Representatives voting no were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Givens, Harrill, Hassell, Head, Hillis, Holt, Hubbard, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, McDaniel, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Shirley, Turner (Shelby), Venable, Williams (Union), Windle, Wix, Mr. Speaker Naifeh -- 55.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on the motion to concur in Senate Amendments Nos. 1, 2 and 3 to House Bill

No. 476 and have this statement entered in the Journal.

Rep. Mike Kernell

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1400 -- Water Resources -- Increases number of times hearing notice for water authority hearings must be published. Amends TCA, Title 68, Ch. 13, Pt. 6.

Senate Amendment No. 1

Amend House Bill No. 1400 by deleting Section 1 in its entirety and by substituting instead the following:

Tennessee Code Annotated, Title 68, Chapter 13, Part 6, is amended by adding the following new section:

The members of the board of commissioners of the authority shall serve without compensation for their services, except that by resolution duly adopted by the board, each commissioner may receive a per diem payment for not more than six (6) meetings of the board in any calendar year at a rate not greater than one hundred dollars (\$100) per meeting.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1400**, which motion prevailed by the following vote:

Ayes.	87
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Joyce, Robinson (Washington)
-- 2.

A motion to reconsider was tabled.

***House Bill No. 1669 -- Marriage --** Deletes county executive from list of persons authorized to waive three day waiting period. Amends TCA 36-3-107.

Senate Amendment No. 3

Amend House Bill No. 1669 by deleting the effective date section and by substituting instead the following new sections:

SECTION _____. The provisions of this act shall only apply in counties having a population of not less than 34,850 nor more than 35,000 according to the 1990 federal census or any subsequent federal census.

SECTION _____. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of any county having a population of not less than 34,850 nor more than 35,000 according to the 1990 federal census or any subsequent federal census. Its approval or nonapproval shall be proclaimed by the presiding officer of any county subject to the provisions of this act and certified by him to the Secretary of State.

SECTION _____. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in the preceding section.

Rep. Holt moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1669**, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood,

Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McAfee moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 728 out of order, which motion prevailed.

House Joint Resolution No. 0728 -- Memorials, Public Service -- Representative C.B. Robinson. by *McAfee, *Wood, *Meyer, *Copeland, *Turner B.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McAfee, with the request that all members be added as sponsors, the resolution was adopted by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 734 out of order, which motion prevailed.

House Joint Resolution No. 0734 -- Memorials, Heroism -- Crew of USS Tennessee, completion of 3,000th Strategic Deterrent Patrol. by *Hillis.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1821 -- Sunset Laws -- Department of economic and community development, June 30, 1999. Amends TCA, Title 3, Ch. 2; Title 4; Title 7, Chs. 37, 53, 55; Title 8, Ch. 23; Title 9, Ch. 20; Title 12, Ch. 3; Title 13; Title 41, Ch. 22; Title 43, Ch. 30; Title 45, Ch. 8; Title 49, Chs. 5, 9, 50; Title 50, Ch. 1; Title 58, Ch. 2; Title 59, Ch. 13; Title 60, Ch. 1; Title 64; Title 68, Chs. 23, 31.

Senate Amendment No. 4

Amend House Bill No. 1821 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 13-16-207(a), is amended by adding the following language as a new paragraph at the end of subdivision (1):

Provided, however, until December 31, 1992, the requirement for obtaining such certificate of public purpose and necessity shall be waived for an industrial park for which sixty percent (60%) of its funding for the second phase of development was

provided by a federal grant received from the Economic Development Administration and which on the effective date of this act is in the final stages of completing such second phase.

Rep. King moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 1821, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1889 -- Criminal Procedure --** Permits court to require defendant whose judgment includes fine, cost or restitution to secure such with bond; permits defendant's parent, guardian or other responsible party to serve as surety. Amends TCA, Title 40, Ch. 11.

Senate Amendment No. 1

AMEND House Bill No. 1889 by deleting the first sentence of subsection () of the amendatory language of SECTION 1 and substituting instead the following:

Whenever a court's judgment includes the requirement that the defendant pay a fine or cost, the court may require that the payment of the fine or cost be secured by bond or other appropriate undertaking if such defendant has a history of past due fines and costs.

FURTHER AMEND by deleting from the second sentence of subsection () of the amendatory language of SECTION 1 the words "fine, cost or restitution" and substituting instead the words "fine or cost".

Senate Amendment No. 1 to Amendment No. 1

Amend House Bill No. 1889 by deleting from the first sentence of subsection () of SECTION 1 as amended by Senate Judiciary Committee Amendment 1 the word "bond" and substituting instead the words "surety bond".

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1, as amended, to **House Bill No. 1889**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1902 -- Handicapped Persons -- Sets fine for unauthorized parking in handicapped space at \$100; provides that such vehicle may be towed; requires payment of towing fees and storage for return of towed vehicle; prohibits encroachment of vehicle into handicapped parking space. Amends TCA 55-8-160, 55-21-108.

Senate Amendment No. 1

Amend House Bill No. 1902 by adding the following new section to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Section 55-21-103(b), is amended by adding a new subdivision thereto, as follows:

(b)(3) A handicapped driver may receive a second placard if there is a second car registered in the name of the handicapped driver or a member of that driver's immediate family who resides with the driver. The second placard shall be issued without

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

additional charge. The second placard shall be used to obtain handicapped parking privileges only by the handicapped driver.

Rep. Phillips moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1902**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1934 -- Sexual Offenses --** Requires person arrested for offense of prostitution to submit to HIV tests; requires person to pay \$100 for test if convicted; establishes procedure for notifying person of test results. Amends TCA, Title 39, Ch. 13, Pt. 5.

Senate Amendment No. 2

Amend House Bill No. 1934 by deleting the directory language of SECTION 1 as amended by Senate Judiciary Committee Amendment Number 1 and substituting instead the following:

Tennessee Code Annotated, Section 39-13-521 is amended by adding the following as appropriately lettered new subsections:

Rep. Joyce, moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1934**, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the motion to concur in Senate Amendment No. 2 to House Bill No. 1934 and have this statement entered in the Journal.

Rep. Les Winningham

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 1950 -- Education -- Imposes administrative penalty of \$50.00 on principals who do not promptly undertake good faith efforts to notify parents and superintendents of suspension. Amends TCA, Title 49.

Senate Amendment No. 1

AMEND House Bill No. 1950 by deleting from the amendatory language of Section 2 the language "an administrative penalty of fifty dollars (\$50), to be imposed" and by substituting instead the language "disciplinary action".

AND FURTHER AMEND from the amendatory language of Section 3 the words "an administrative penalty of fifty dollars (\$50), to be imposed" and by substituting instead the language "disciplinary action".

Rep. DeBerry moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 1950, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Kisber moved to lift from the table the motion to reconsider Senate Bill No. 2143, which motion prevailed.

***Senate Bill No. 2143** -- County Government -- Allows county and municipal governments to charge for fire alarm services; impose penalties for false alarms. Amends TCA 62-32-321.

Rep. Kisber moved to reconsider action in passing Senate Bill No. 2143, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 3. On motion, Amendment No. 3 was withdrawn.

Thereupon, Rep. Kisber moved that **Senate Bill No. 2143**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	73
Noes.	15

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Haley, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), King, Kisber, Knight, McAfee, McDaniel, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Wix, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Anderson, Bragg, Callicott, Cross, Givens, Gunnels, Harrill, Joyce, Kent, Liles, Rinks, Tullos, Walley, Williams (Union), Winningham -- 15.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2240 -- Criminal Procedure -- Permits delinquent taxes and delinquent general sessions court fines, costs and taxes to be collected by contract with collection agencies; sets formula for how moneys collected should be allocated. Amends TCA 40-24-105.

Senate Amendment No. 1

Amend House Bill No. 2240 by inserting the word

"litigation" immediately preceding the word "taxes" whenever the word "taxes" appears in the amendatory language of SECTION 1.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2240**, which motion prevailed by the following vote:

Ayes.	90
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Duer -- 1.

A motion to reconsider was tabled.

House Bill No. 2334 -- Municipal Government -- Authorizes municipalities by ordinance to operate or contract to operate elder care centers and/or child care centers. Amends TCA, Title 6.

Senate Amendment No. 1

Amend House Bill No. 2334 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, is amended by adding Sections 2 through 8 as a new part.

SECTION 2. The purpose of this act is to facilitate the operation of a child care center by a municipality. This act shall enable a municipality to establish a child care center and require payment of fees for the privilege of using a child care center.

SECTION 3. Definitions. Wherever used in this act, the following terms shall have the following meanings:

(1) "Child Care Center" or "Day Care Center" means a facility and all appurtenances by which child

care is rendered by an agency operated by a person which receives thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours a day without transfer of custody.

(2) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of a child care center, preliminary planning to determine the feasibility of a child care center, the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of a child care center, and the inspection and supervision of the construction of a child care center.

(3) "Municipality" means any county, metropolitan government, or incorporated town or city or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.

(4) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

SECTION 3. The governing body of any municipality may authorize the construction, extension, enlargement, acquisition, improvement or operation of a child care center within or without its corporate boundaries.

SECTION 4. Consistent with all requirements of state and federal law that apply to such activities, a child care center may:

(1) Exercise general regulation over the planning, location, construction, operation and maintenance over a child care center within or without the municipality; and

(2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this act including the adoption of a system of fees for services.

SECTION 5. A municipality constructing, operating, or maintaining a child care center is authorized to establish a child care center user's fee which may be assessed and collected from each user of the child care center. These fees shall be reasonable in amount and used by the municipality for purposes set forth in this act.

SECTION 6. A municipal legislative body may finance a child care center under the provisions of the Local Government Public Obligations Act of 1986, as amended which is codified at Tennessee Code Annotated, Title 9, Chapter 21.

SECTION 7. The powers conferred by this act are in addition and supplemental to the powers conferred by any other law, charter, or home rule provision.

SECTION 8. Nothing herein shall be construed to limit the power or authority of the department of human services with respect to regulation of child care centers of Tennessee. Any ordinance, or regulation adopted or imposed by a municipality shall be consistent with the regulations and oversight by the Tennessee department of human services.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 2

Amend House Bill No. 2334 by adding the following new section immediately preceding the severability section and by renumbering the subsequent sections accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than 103,100 nor more than 103,400 according to the 1990 federal census or any subsequent federal census.

Rep. Wix moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to House Bill No. 2334, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

House Bill No. 2401 -- Accountants -- Revises composition of state board of accountancy. Amends TCA, Title 62, Ch. 1, Pt. 1.

Senate Amendment No. 2

Amend House Bill No. 2401 by deleting all language following the enacting clause and substituting therefor the following:

Section 1. Tennessee Code Annotated, Section 62-1-105, is amended by deleting in subsection (c) the first sentence thereof in its entirety and substituting instead the following:

The board shall have an executive director, who shall be a certified public accountant with an active permit to practice accountancy in the state of Tennessee. The executive director shall be appointed by the board, with the approval of the commissioner of personnel. The term of the executive director shall be six (6) years, and he or she shall be eligible for reappointment. The board of accountancy shall also retain an administrator and such other staff members as the board may deem necessary or proper. The board shall fix the compensation to be paid to the executive director, the administrator, and staff of the board subject to applicable rules, regulations and law.

Section 2. Tennessee Code Annotated, Section 62-1-105, is further amended by deleting in the second sentence of subsection (c) the word "secretary" and substituting therefor the word "director".

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Bragg moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2401**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tulos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2503** -- Pardons and Paroles -- Establishes parole eligibility review board. Amends TCA, Title 40, Ch. 35, Pt. 6.

Senate Amendment No. 2

Amend House Bill No. 2503 by adding to Section 1 at the end of the Section designated as 40-35-601(a)(1), as amended, the following:

Of the five (5) persons appointed, one (1) shall be a female and one (1) shall be black. However, a black female shall not satisfy the requirement of one (1) female and (1) black.

Senate Amendment No. 3

AMEND House Bill No. 2503 by adding the following to the end of subsection (b)(1) of Section 40-35-601 of Part 6 of Section 1:

Provided, however, such Review Board shall not have the authority to review the sentence of any habitual offender if any of the offenses which resulted in such person's habitual offender status was a violent offense.

AND FURTHER AMEND by adding the following to the end of subsection (b)(2) of Section 40-35-601 of Part 6 of Section 1:

Provided, however, the Board shall not have the authority to review the release eligibility date of any felon who was convicted of a violent offense.

Senate Amendment No. 5

Amend House Bill No. 2503 by deleting from the amendatory

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

of House Amendment 1 the words "recommended by a victim's rights organization to be designated by the chairman of the board of paroles" and by substituting instead the following:

 nominated by the Victims' Rights Coalition established by Tennessee Code Annotated, Section 4-41-101, or if said organization shall cease to exist, then said member shall be nominated by a victims' rights organization, the organization to be designated by the chairman of the board of paroles

Rep. Armstrong moved that the House concur in Senate Amendment(s) No(s). 2, 3 and 5 to **House Bill No. 2503**, which motion prevailed by the following vote:

Ayes.	56
Noes.	28
Present and not voting.	2

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Buck, Chumney, Cole, Collier, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Haley, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Anderson, Arriola, Byrd, Callicott, Chiles, Coffey, Cross, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Holcomb, Joyce, McDaniel, McKee, Nuber, Odom, Rigsby, Sipes, Stamps, Tullos, West, Williams (Union), Windle -- 28.

Representatives present and not voting were: Purcell, Venable -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on motion to concur in Senate Amendments Nos. 2, 3 and 5 to House Bill No. 2503 and have this statement entered in the Journal.

Rep. Joyce Hassell

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

desire to change my original stand from aye to no on motion to concur in Senate Amendments Nos. 2, 3 and 5 to House Bill No. 2503 and have this statement entered in the Journal.

Rep. H.E. Bittle

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on motion to concur in Senate Amendments Nos. 2, 3 and 5 to House Bill No. 2503 and have this statement entered in the Journal.

Rep. Zane Whitson

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2548 -- Cosmetology -- Revises Tennessee Cosmetology Act of 1986. Amends TCA, Title 62, Ch. 4.

Senate Amendment No. 1

Amend House Bill No. 2548 by deleting from the amendatory language of Section 8(i) the words "a licensed instructor" and by substituting instead the words "a licensed instructor or practitioner".

Rep. DeBerry moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 2548**, which motion prevailed.

***House Bill No. 2482** -- Day Care -- Enacts "Prescribed Child Care Center Regulatory Act of 1992". Amends TCA, Titles 4, 68, 71.

Senate Amendment No. 1

Amend House Bill No. 2482 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Prescribed Child Care Center Regulatory Act of 1992".

SECTION 2. The general assembly hereby takes official notice of the fact that alternatives currently available to families with medically and/or technology-dependent children are difficult, if not intolerable. Too often, limited alternatives dictate that medically and/or technology-dependent children remain hospitalized for

extended periods at great financial and emotional cost to parents and children. Too often, limited alternatives dictate that such children be maintained at home using extensive, private duty nursing services at great financial as well as emotional cost to parents and children who endure the long-term effects of isolation. Too often, limited alternatives dictate that single working parents, and families who must rely on two incomes for economic survival, permanently leave their medically and/or technology-dependent children in institutional settings and suffer grave financial and emotional consequences. Prescribed child care centers offer the potential of providing a much needed alternative for these families. While assisting in the containment of health care costs, prescribed child care centers also offer medically and/or technology-dependent children and their families a comprehensive, developmentally appropriate nonresidential environment of coordinated medical, developmental, and parental training services. Through this enactment, it is the intent of the general assembly to encourage and support the increased availability and affordability of prescribed child care centers of quality.

SECTION 3. Tennessee Code Annotated, Section 68-11-201, is amended by inserting the following language as a new, appropriately numbered item:

() "Prescribed child care center" means a non-residential, health care/child care center providing physician prescribed services and appropriate developmental services for six (6) or more children who are medically and/or technology-dependent and require continuous nursing intervention.

SECTION 4.

(a) Tennessee Code Annotated, Section 68-11-202(a), is amended by deleting the words and symbol "and ambulatory surgical treatment centers." and by substituting instead the following:

"ambulatory surgical treatment centers, and prescribed child care centers."

(b) Tennessee Code Annotated, Section 68-11-202(c), is amended by deleting the words and symbol ", or ambulatory surgical treatment center" and by substituting instead the following:

", ambulatory surgical treatment center, or prescribed child care center"

SECTION 5. Tennessee Code Annotated, Section 68-11-204(a), is amended by deleting the words and symbol "or ambulatory surgical treatment center," and by

substituting instead the following:

ambulatory surgical treatment center, or prescribed child care center,"

SECTION 6.

(a) Tennessee Code Annotated, Section 68-11-206, is amended by deleting the words and symbols ", or ambulatory surgical treatment center in this state," and by substituting instead the following:

, ambulatory surgical treatment center, or prescribed child care center in this state,

(b) Tennessee Code Annotated, Sections 68-11-206(1), (4), and (5) are amended by deleting the words and symbol "or ambulatory surgical treatment center" and by substituting instead the following:

ambulatory surgical treatment center, or prescribed child care center".

SECTION 7. Tennessee Code Annotated, Section 68-11-209(a), is amended by deleting the words and symbols ", or ambulatory surgical treatment centers" and by substituting instead the following:

, ambulatory surgical treatment centers, or prescribed child care centers

SECTION 8. Tennessee Code Annotated, Section 68-11-210(a), is amended by deleting the words and symbols ", or ambulatory surgical treatment center," and by substituting instead the following:

, ambulatory surgical treatment center, or prescribed child care center,

SECTION 9. Tennessee Code Annotated, Section 68-11-216, is amended by adding the following language as a new, appropriately numbered subsection:

() The annual license fee for a prescribed child care center shall be twenty-five dollars (\$25).

SECTION 10. For the purpose of developing and promulgating rules and regulations, this act shall take effect on becoming a law, the public welfare requiring it; for all other purposes this act shall take effect on January 1, 1993.

Senate Amendment No. 2

Amend House Bill No. 2482 by adding the following language

as a new, appropriately designated section immediately preceding the effective date section and by renumbering subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 68-11-209, is amended by adding the following language as a new, appropriately designated subsection:

() When developing, adopting, and/or amending rules and regulations pertaining to the operation and management of prescribed child care centers, the membership of the board for licensing health care facilities shall also include the membership of the standards committee established pursuant to Tennessee Code Annotated, Section 71-3-504. In developing, adopting, and/or amending such rules and regulations, the board shall recognize the dual nature of the health care/child care service needs of the children served within prescribed child care centers and shall remain cognizant of the legislative statement of facts and expression of intent as set forth within Section 2 of this act.

Rep. DeBerry moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2482**, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 2830** -- Naming and Designating -- "Coy Gaither Bedford Lake," Lake Bedford, Bedford County.

Senate Amendment No. 1

Amend House Bill No. 2830 by deleting SECTION 2. in its entirety and by substituting instead the following:

SECTION 2. The Tennessee Wildlife Resources Agency is hereby directed to erect suitable signs or affix suitable markers designating Lake Bedford as "Coy Gaither Bedford Lake".

Rep. Phillips moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2830, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2854 -- Hamilton County -- Permits pension committee to increase benefits if county provides funding in accordance with actuarial study. Amends Chapter 557, Private Acts of 1939, as amended.

Senate Amendment No. 1

Amend House Bill No. 2854 by adding the following new language to the amendatory language of Section 1:

Increases in benefits authorized in this paragraph shall not be paid to retirees who became participants in the retirement system pursuant to the provisions of Section 22 (as added by Chapter 156 of the Private Acts of 1981).

Rep. McAfee moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2854, which motion prevailed by the following vote:

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ayes.	91
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Rigsby -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2490** -- Medicine, Practice of -- Deletes provision for election of officers and quorum requirements of board of medical examiners. Amends TCA, Title 63, Ch. 6.

Rep. Herron moved that **House Bill No. 2490** be re-referred to the Calendar and Rules Committee, which motion prevailed.

***Senate Bill No. 2036** -- Psychologists -- Revises certain qualifications to practice psychology. Amends TCA, Titles 33, 40; Title 56, Ch. 7; Title 63, Ch. 11.

Further consideration of Senate Bill No. 2036, previously considered on April 28, 1992, at which time it was substituted for House Bill No. 2206, Amendments Nos. 1 and 2 were withdrawn, and the bill was reset to the Calendar for April 30, 1992.

Rep. West moved that **Senate Bill No. 2036** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 1927** -- Sunset Laws -- Department of employment security, June 30, 1999. Amends TCA, Title 4, Chs. 3, 5, 29; Title 8, Ch. 30; Title 13, Ch. 13; Title 50, Ch. 7; Title 62, Ch. 29; Title 71, Ch. 3.

Further consideration of Senate Bill No. 1927, previously considered on April 22 and 23, 1992, at which time it was substituted for House Bill No. 1822, a motion was made to adopt Amendment No. 1, and the bill was reset to the Calendars for April 28 and April 30, 1992.

Rep. King moved that **Senate Bill No. 1927** be passed on third and final consideration.

Rep. King renewed the motion to adopt Amendment No. 1, which motion prevailed.

Thereupon, Rep. King moved that **Senate Bill No. 1927**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	2
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Purcell,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Shelby), West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Coffey, Sipes -- 2.

Representatives present and not voting were: Holcomb, Jackson, Knight, Nuber -- 4.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Shirley moved to reconsider House Bill No. 1652, declared by Speaker Pro Tem DeBerry to be out of order.

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 0473** -- Election Laws -- Restricts certain political campaigning. Amends TCA 2-7-111.

Further consideration of Senate Bill No. 473, previously considered on April 3, 1991 and April 9, 1992, at which time it was substituted for House Bill No. 1414 and reset to the Calendars for April 15, April 23, April 28 and April 30, 1992.

Rep. West moved that **Senate Bill No. 473** be re-referred to the Calendar and Rules Committee, which motion prevailed.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to request the return of House Bill No. 126, for further consideration.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

BILL RETURNED

There being no objection, Rep. Odom asked that the Clerk return House Bill No. 126 to the Senate, as requested.

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. DeBerry asked that the Clerk be directed to request the return of House Bill No. 1950, for further consideration.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

MOTION TO RECESS

On motion of Rep. Bivens, the House recessed until 1:00 p.m.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill No. 2548.

The Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 1; withdrew Amendment No. 1; then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

ENGROSSED BILLS

April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 728 and 734; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2873, 2875, 2877, 2878 and 2879; also, House Joint Resolution(s) No(s). 700 and 712; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill No. 126.

The Senate lifted the tabling motion; reconsidered passage of the bill; adopted Amendment No. 1; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1892.

The Senate nonconcurred in House Amendment(s) No(s). 4.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 498; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

Senate Joint Resolution No. 0498 -- Memorials, Personal Achievement -- Mary C. Barnes. by *Hamilton.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 374.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2194.

The Senate concurred in House Amendment(s) No(s). 1, 2 and 3, and nonconcurred in House Amendment(s) No(s). 5.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

No. 1950, as requested.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 489, 490, 495, 496 and 497; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0489 -- Memorials, Public Service -- Senator Ruth Montgomery. by *Patten, *et al.

Senate Joint Resolution No. 0490 -- Memorials, Public Service -- Senator Lynn Lawson. by *Patten, *et al.

Senate Joint Resolution No. 0495 -- Memorials, Public Service -- Wrenza Jordan. by *Hicks.

Senate Joint Resolution No. 0496 -- Memorials, Public Service -- Larry Keeton. by *Hicks.

Senate Joint Resolution No. 0497 -- Memorials, Public Service -- Eugene A. Russell. by *Hicks.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

House Bill No. 2586 -- Mines, Mining -- Removes from inclusion in regrading plans highwall elimination and spoil piles which no longer pose hazards to environment if demonstrated new technology methods approved by commissioner. Amends TCA 59-8-208.

Further consideration of House Bill No. 2586, previously considered on April 23 and April 28, 1992, at which time it was reset to the Calendar for April 30, 1992.

On motion, House Bill No. 2586 was made to conform with Senate Bill No. 2678.

On motion, **Senate Bill No. 2678**, on same subject, was

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

substituted for House Bill No. 2586.

Rep. Kisber moved that **Senate Bill No. 2678** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

House Bill No. 0758 -- Taxes -- Reduces interest paid if taxpayer wins appeal. Same as *SB 444. Amends TCA 67-5-1512.

On motion of Rep. Arriola, **House Bill No. 758** was withdrawn from the House.

House Bill No. 2195 -- Courts, Appeal -- Enacts "Appellate Court Improvements Act of 1992". Amends TCA, Titles 8, 16, 39, 49, 50, 67.

Further consideration of House Bill No. 2195, reset from April 28, 1992.

Rep. Purcell moved that House Bill No. 2195 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2195 by deleting SECTIONS 1-10 in their entireties and substituting instead:

SECTION 1. This act may be cited as the "Appellate

Court Improvements Act of 1992".

SECTION 2. Tennessee Code Annotated Section 16-4-108(a)(1) (relative to the jurisdiction of the court of appeals) is amended by deleting in its entirety and substituting instead:

"The jurisdiction of the court of appeals shall be appellate only, and shall extend to all civil cases except workers' compensation cases and appeals pursuant to TCA Section 37-10-304(g)."

SECTION 3. Tennessee Code Annotated Section 8-47-123 (relative to removal of officers) is amended by deleting the words "to the Supreme Court" and further amended by deleting the words "by the Supreme Court".

SECTION 4. Tennessee Code Annotated Section 8-47-124 (relative to removal of officers) is amended by deleting the words "to the Supreme Court".

SECTION 5. Tennessee Code Annotated Section 39-13-206 (relative to review of review of death sentences) is amended by deleting in its entirety and substituting instead the following:

"Death Sentence.

(a)

(1) Whenever the death penalty is imposed for first degree murder and when the judgment has become final in the trial court, the defendant shall have the right of direct appeal from the trial court to the court of criminal appeals. The affirmance [sic] of the conviction and the sentence of death shall be automatically reviewed by the Tennessee supreme court. Upon the affirmance [sic] by the court of criminal appeals, the clerk shall docket the case in the supreme court and the case shall proceed in accordance with the Tennessee Rules of Appellate Procedure.

(2) If the defendant has been convicted of first degree murder and sentenced to death and appeals that conviction and sentence, the record as to guilt and sentence shall be expeditiously filed with the court of criminal appeals within the time limit provision of Tennessee Rules of Appellate Procedure, Rules 24 and 25. If the defendant has been convicted of first degree murder and sentenced to death but

does not appeal the conviction of first degree murder, then the trial court shall certify, within ninety (90) days after the judgment has become final, the record relating to punishment and the same shall be transmitted by the clerk of the trial court to the court of criminal appeals. If the defendant has been convicted of other crimes at the same trial wherein a death sentence is imposed, the court of criminal appeals shall have authority to review by direct appeal such other crimes if appealed by the defendant with the conviction of first degree murder and sentence of death.

(b) The appeal of the conviction of first degree murder and the review of the sentence of death shall have priority over all other cases and shall be heard according to the rules promulgated by the Tennessee supreme court. The reviewing courts shall first consider any errors assigned and then the courts shall review the sentence of death.

(c)

(1) In reviewing the sentence of death for first degree murder, the reviewing courts shall determine whether:

(A) The sentence of death was imposed in any arbitrary fashion;

(B) The evidence supports the jury's finding of statutory aggravating circumstance or circumstances;

(C) The evidence supports the jury's finding that the aggravating circumstance or circumstances outweigh any mitigating circumstances; and

(D) The sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the nature of the crime and the defendant.

(2) The Tennessee supreme court may promulgate rules as it deems appropriate to establish such procedures as are necessary to enable the reviewing courts to properly review the death sentence.

(d) In addition to its other authority

regarding correction of errors, the court of criminal appeals and the Tennessee supreme court, in reviewing the death sentence for first degree murder, is authorized to:

(1) Affirm the sentence of death; or

(2) Modify the punishment to life imprisonment.

(e) In the event that any provision of Sections 39-13-202 - 39-13-205, or this section or the application thereof to any individual or circumstance is held to be invalid or unconstitutional so as permanently to preclude a sentence of death as to that individual, the court having jurisdiction over such individual previously sentenced to death shall cause such individual to be brought before the proper court which shall sentence such person to life imprisonment.

SECTION 6. Tennessee Code Annotated Section 49-5-513(i) (relative to teacher tenure) is amended by deleting the words "to the Supreme Court".

SECTION 7. Tennessee Code Annotated Section 50-6-225(e) (relative to worker's compensation) is amended by adding the following subsections after subsection (2):

"(3) The Supreme Court may, by order, refer workers' compensation cases to a panel known as the "Special Workers' Compensation Appeals Panel." This panel shall consist of three judges designated by the Chief Justice, at least two of whom shall be members of the Supreme Court or retired judges.

(4) Any case which the Supreme Court by order or rule refers to the Special Workers' Compensation Appeals Panel shall be briefed and oral argument shall be heard pursuant to the Tennessee Rules of Appellate Procedure as if the appeal were being heard by the entire Supreme Court.

(5) The Special Workers' Compensation Appeals Panel shall reduce to writing its findings and conclusions in all cases. The decision of the panel shall become the judgment of the Supreme Court thirty (30) days after it is issued unless (A) any member of the Supreme Court files with the Clerk a written request within the thirty (30) day period that the case be heard by the entire Supreme Court, in which event a final judgment will not be entered until the Supreme Court, after due consideration of the case, enters final judgment; or (B) any party to the appeal

files a motion requesting review by the entire Supreme Court within fifteen (15) days after issuance of the decision by the panel, in which event a final judgment will not be entered (i) until the motion is denied; or (ii) if the motion is granted, until the Supreme Court enters final judgment after its consideration of the case. For purposes of this subsection, a decision of the panel shall be deemed to be issued on the day it is mailed to the parties, which date shall be noted on the decision by the Clerk. The provisions of TCA Section 27-1-122 shall apply to all motions made pursuant to this subsection.

(6) If the entire Supreme Court, on its own motion or after granting the motion of a party, reviews an opinion of the Special Workers' Compensation Appeals Panel, its review will be limited to the record and the briefs on file before the Special Workers' Compensation Appeals Panel; provided, however, that the Supreme Court may in its discretion order the parties to further brief the issues or appear at oral argument.

(7) The provisions of subsections (3) - (7) shall expire on September 1, 1998."

SECTION 8. Tennessee Code Annotated Section 50-6-225(f)(1) (relative to worker's compensation) is amended by deleting in its entirety and substituting instead the following:

"Giving all such cases priority over all cases on the trial and appellate dockets."

SECTION 9. Tennessee Code Annotated Section 67-1-1803(f) (relative to state tax matters) is amended by deleting in its entirety and substituting instead:

"(f) Appeals of any decision of the chancery court of suits brought under Acts of 1986 Chapter 749 shall be under the Tennessee Rules of Appellate Procedure."

SECTION 10. Tennessee Code Annotated Section 16-3-201 is amended by adding a new subsection (d) to read as follows:

(d)

(1) The Supreme Court may, upon the motion of any party, assume jurisdiction over an undecided case in which a notice of appeal is filed before any intermediate state appellate court after the date this act becomes law.

(2) The provisions of subsection (d)(1) of this section shall apply only to cases of unusual public importance in which there is a special need for expedited decision and which involve (a) state taxes, (b) the right to hold or retain public office or (c) issues of constitutional law.

(3) The Supreme Court may by order take such actions necessary or appropriate to the exercise of the authority vested by this section.

SECTION 11. Tennessee Code Annotated Section 16-3-201 is amended by adding the following new subsection:

"(d) Notwithstanding the provisions of Tennessee Code Annotated Section 2-17-116, appeals of actions under TCA Title 2, Chapter 17, Part 1 (relative to election contests) shall be to the Court of Appeals in accordance with the Tennessee Rules of Appellate Procedure."

SECTION 12. The provisions of this act shall be effective and apply to all matters as to which a notice of appeal is filed from and after May 1, 1992 the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 2195 by redesignating Section 10 of the printed bill to be Section 11 and by adding a new Section 10, as follows:

SECTION 10. Implementation of the provisions of this act shall be subject to funding for that purpose in the general appropriations act and the provisions of this act shall not constitute an appropriation of funds.

On motion, Amendment No. 2 was adopted.

Rep. Crain moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2195 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section

16-15-5001, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding any other provision of law to the contrary, if a county is in one class as provided in this section on September 1 of the year in which a judge is elected to office and subsequent to such date such county moves into another class on the basis of a decennial federal census, the salary of such judge shall not be diminished during the time for which such judge was elected. This subsection shall be applied retrospectively to the 1990 election upon a two-thirds (2/3) vote of the county legislative body of any county to which it may apply. Provided, however, for the purpose of determining the compensation to be received by the judge of each court in any county to which this subsection applies, for any election occurring after the effective date of this act the classifications of subsection (a) as of the date of such election shall apply.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. Purcell moved that House Bill No. 2195 be passed on third and final consideration.

Rep. Clark moved the previous question, which motion prevailed.

Thereupon, Rep. Purcell moved that **House Bill No. 2195**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	2
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

(Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Kernell, Shirley -- 2.

Representatives present and not voting were: Holcomb, Hubbard, Nuber, Windle -- 4.

A motion to reconsider was tabled.

MOTION TO RECALL

Pursuant to **Rule No. 53**, having filed appropriate notice, Rep. Robinson (Davidson) moved to recall House Bill No. 874 from the Finance, Ways and Means Committee to the Floor for immediate consideration.

Rep. McAfee moved the previous question. Thereupon, Rep. Robinson (Davidson) renewed the motion to recall, which motion failed by the following vote:

Ayes.	51
Noes.	37
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Buck, Byrd, Callicott, Chiles, Coffey, Copeland, Crain, Duer, Ferguson, Gunnels, Haley, Halteman, Hassell, Haun, Hill, Holcomb, Holt, Hubbard, Johnson, Joyce, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Pinion, Pruitt, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wood -- 51.

Representatives voting no were: Bell, Bivens, Bragg, Chumney, Cole, Cross, Curlee, Davidson, Davis (Knox), DeBerry, Fowlkes, Givens, Hargrove, Harrill, Head, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Moore, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Turner (Hamilton), Turner (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 37.

Representatives present and not voting were: Collier, Jackson, Rigsby, Rinks -- 4.

REGULAR CALENDAR, CONTINUED

House Bill No. 2124 -- Probate Law -- Revises probate law. Amends TCA 26-4-101, 30-2-301, 314, 317, 30-2-601, 31-4-101, 32-1-201, 32-4-107, 32-11-103, 35-1-111; Title 35, Ch. 50, Pt. 1, 35-50-115.

Further consideration of House Bill No. 2124, reset from April 28, 1992.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Rep. Fowlkes moved that House Bill No. 2124 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2124 by deleting Sections 7, 8 and 10 in their entirety and by renumbering subsequent sections accordingly.

AND FURTHER AMEND by deleting original SECTION 15 in its entirety and substituting instead the following new SECTION 15 to read as follows:

SECTION 15. Tennessee Code Annotated, Section 35-50-115, is revoked in its entirety effective July 1, 1985.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fowlkes moved that House Bill No. 2124 be passed on third and final consideration.

RECESS MOTION

Mr. Speaker Naifeh called a 10-minute recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Fowlkes moved that House Bill No. 2124, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

***House Bill No. 1652** -- General Assembly -- Limits reimbursement of members to one trip from home to Nashville per week. Amends TCA 3-1-106.

Rep. Shirley moved to lift from the table the motion to reconsider House Bill No. 1652, which motion failed by the following vote.

Ayes.	45
Noes.	45
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Bittle, Callicott, Chiles, Chumney, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Halteman, Harrill, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Huskey, Jackson, Jones U (Shelby), Joyce, Kent, Kernell, Knight, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Williams (Shelby), Williams (Union), Wood -- 45.

Representatives voting no were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Givens, Head, Hillis, Holt, Johnson, King, Kisber, McKee, Moore, Napier, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 45.

Representatives present and not voting were: Fowlkes -- 1.

REGULAR CALENDAR, CONTINUED

House Bill No. 2215 -- Taxes -- Expands list of persons who can receive copy of decedent's inheritance tax return to include legatee, devisee, or beneficiary of estate; clarifies inheritance tax provisions to apply to persons domiciled in Tennessee rather than residing temporarily. Amends TCA 67-1-1703, 67-8-202, 67-8-303, 304.

On motion, House Bill No. 2215 was made to conform with Senate Bill No. 2439.

On motion, **Senate Bill No. 2439**, on same subject, was substituted for House Bill No. 2215.

Rep. Fowlkes moved that **Senate Bill No. 2439** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Fowlkes moved that **Senate Bill No. 2439** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2439 and have this statement entered in the Journal.

Rep. Jere Hargrove

REGULAR CALENDAR, CONTINUED

***House Bill No. 0341** -- Public Works Projects -- Increases minimum dollar amount of public works contracts from \$25,000 to \$100,000 above which contractors must post bond. Amends TCA 12-4-201.

Rep. Dixon moved that **House Bill No. 341** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2592 -- Insurance, Health, Accident -- Revises TN Comprehensive Health Insurance Pool to provide for emergency assessments from insurance companies, to impose a \$2 per day charge on hospital stays and a \$1 per day charge on ambulatory surgical center visits; provides for administration. Amends TCA, Titles 56, 63.

On motion, House Bill No. 2592 was made to conform with Senate Bill No. 2466.

On motion, **Senate Bill No. 2466**, on same subject, was substituted for House Bill No. 2592.

Rep. Kisber moved that **Senate Bill No. 2466** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2466** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Meyer -- 1.

A motion to reconsider was tabled.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

House Bill No. 2585 -- Telecommunications -- Removes value added networks from definition of "telecommunication" under sales tax law. Amends TCA 67-6-102.

On motion, House Bill No. 2585 was made to conform with Senate Bill No. 2551.

On motion, **Senate Bill No. 2551**, on same subject, was substituted for House Bill No. 2585.

Rep. Kisber moved that **Senate Bill No. 2551** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2551** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2542 -- Firearms and Ammunition -- Authorizes local governments to charge a reasonable fee for conducting investigation to determine whether a firearm may lawfully be sold to potential purchaser. Amends TCA, Title 39, Ch. 17, Pt. 13.

Further consideration of House Bill No. 2542, previously considered on April 22, 1992, at which time Amendment No. 1 was adopted, the bill failed for lack of a Constitutional majority, a motion was made to reconsider, and the bill was reset to the Calendars for April 28 and April 30, 1992.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Rep. Odom moved that House Bill No. 2542 be passed on third and final consideration.

Rep. Clark moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Severance moved the previous question, which motion prevailed by the following vote:

Ayes.	62
Noes.	24
Present and not voting.	4

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Fowlkes, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, Moore, Napier, Odom, Peroulas Draper, Phillips, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Turner (Hamilton), Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wood -- 62.

Representatives voting no were: Bittle, Byrd, Callicott, Cross, Davis (Knox), Duer, Ferguson, Givens, Gunnels, Harrill, Hill, Holcomb, Holt, Hubbard, Meyer, Niceley, Nuber, Rhinehart, Ridgeway, Shirley, Tullos, Turner (Shelby), Venable, Williams (Union) -- 24.

Representatives present and not voting were: Jackson, Kernell, McKee, Pruitt -- 4.

Rep. Odom moved passage of House Bill No. 2542, as amended, on third and final consideration, which motion failed by the following vote:

Ayes.	10
Noes.	78
Present and not voting.	6

Representatives voting aye were: Armstrong, Arriola, Clark, Copeland, Joyce, Kernell, Knight, McDaniel, Odom, Williams (Shelby) -- 10.

Representatives voting no were: Allen, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Liles, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 78.

Representatives present and not voting were: Chumney, Herron, Pruitt, Robinson (Hamilton), Turner (Hamilton), Mr. Speaker Naifeh -- 6.

Pursuant to **Rule No. 63**, having received a Constitutional majority in the negative, the Speaker entertained a motion to reject House Bill No. 2542. Hearing none, **House Bill No. 2542** was re-referred to the Calendar and Rules Committee.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on House Bill No. 2542 and have this statement entered in the Journal.

Rep. Randy Stamps

RULES SUSPENDED

Rep. Wix moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 713 out of order, which motion prevailed.

House Joint Resolution No. 0713 -- Naming and Designating -- "Week of CASA," May 1 - 22, 1992. by *Wix.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wix, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 2216 -- Hospitals and Health Care Facilities -- Increases maximum freezer temperature in health care facilities to 25 degrees from 20 degrees; changes "intermediate care facility" to "nursing facility". Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5.

Further discussion of House Bill No. 2216, reset from April 28, 1992.

Rep. Kisber moved that House Bill No. 2216 be passed on third and final consideration.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Dixon moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2216 by deleting Sections 1, 2, and 3 of the printed bill in their entirety and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-216 is amended by deleting subsection (e) and (f) in their entirety and replacing them with the following new subsection (e):

(e)(1) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of providing nursing home care. The tax imposed by this subsection shall be in addition to all other privilege taxes.

(2) Effective July 1, 1992, in addition to the fees set forth in subsection (a), each nursing home shall pay an annual nursing home tax as set forth in this subsection. Such tax shall be paid in equal monthly installments of one twelfth (1/12) of the amount established in this subsection. The installments are due on the fifteenth of each following month, beginning August 15, 1992 for the July, 1992 installment, and ending with a final payment on July 15, 1993.

(3) The annual nursing home tax shall be based on the number of nursing home beds licensed by the State of Tennessee as of July 1, 1992, excluding beds in nursing homes specifically certified as intermediate care beds for the mentally retarded. The tax shall be uniformly applied to all licensed beds at the rate of two thousand six hundred dollars (\$2,600.00) per licensed bed. Licensed facilities which are owned or operated by an agency of the state are not excluded from paying the tax. There shall be no exclusions, deductions or adjustments applied to the tax of any licensed facility different from any other such facility. Beds licensed after July 1, 1992 shall pay a prorated amount of the applicable annual tax.

(4) The Commissioner of Health shall adopt rules and regulations governing the collection of such taxes. Notwithstanding any other provision of law, the Commissioner of Health is authorized to promulgate such rules as public necessity rules pursuant to Section 4-5-209.

(5) Any challenge to the tax imposed by this subsection shall be brought pursuant to Sections 67-1-901, et. seq., and 9-8-307(a)(0).

(6) All revenue collected pursuant to this subsection shall be deposited in the general fund.

(7) (A) If any part of any tax imposed under this subsection is not paid on or before the due date, a penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each month during which any part of any tax or any prior accrued penalty remains unpaid, an additional penalty of five (5%) percent of the then unpaid balance shall accrue and be added thereto. In addition, taxes under this subsection not paid on the due date shall bear interest at the maximum lawful rate from the due date to the date paid. Payment shall be deemed to have been made upon date of deposit in the United States mail. The commissioner of health may for good cause approve an alternative payment plan as long as full payment of the tax is made.

(B) If a nursing home is more than sixty (60) days delinquent in paying an installment of its annual nursing home tax, the commissioner of health shall be authorized to initiate proceedings before the Board for Licensing Health Care Facilities in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to revoke the license of such facility.

(8) The tax imposed by this subsection may not be billed by the nursing homes as a separately stated charge, but this shall not prevent the nursing home from adjusting its rates to defray the cost associated with the tax.

(9) The fiscal review committee shall review and have oversight of the implementation of the provisions of this subsection.

SECTION 2. Passage of this act shall not operate to excuse the final monthly payment due on July 15, 1992, pursuant to the existing nursing home services license fee.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. The annual nursing home tax established by

this act shall terminate on June 30, 1993.

SECTION 5. Any tax obligation imposed by this act shall be suspended to the extent that and for the period that receipt of the tax by the State results in a corresponding reduction in federal financial participation under Title XIX of the federal Social Security Act.

SECTION 6. Tennessee Code Annotated, Section 68-11-216(a), is amended by deleting the words and punctuation "to be set by regulations of the board," and by substituting instead the following:

to be set by regulations of the board and to be used for regulatory purposes, which is

SECTION 7. This act shall take effect on July 1, 1992, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that House Bill No. 2216, as amended, be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Kisber moved that **House Bill No. 2216**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	60
Noes.	31
Present and not voting.	4

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg, Buck, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Haley, Hargrove, Haun, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Kent, Kernell, King, Kisber, Knight, McDaniel, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Allen, Anderson, Bivens, Byrd, Callicott, Chiles, Coffey, Copeland, Duer, Gunnels, Halteman, Harrill, Hassell, Hill, Holcomb, Joyce, Liles, McAfee, Meyer, Niceley, Nuber, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, West, Williams (Union), Windle, Winningham, Wood -- 31.

Representatives present and not voting were: Hubbard, Jones U (Shelby), McKee, Venable -- 4.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2216 and have this statement entered in the Journal.

Rep. H.E. Bittle

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2409; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2409 -- DUI/DWI Offenses -- Enacts "Drunk Driving Child Protection Act". Amends TCA, Title 55, Ch. 10, Pt. 4. by *Gilbert, *Person, O'Brien, Crowe.**

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2460 and 2501; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2460 -- Equalization Board -- Requires statement of authority from one who is appealing to state board of equalization. Amends TCA, Title 67. by *Ford.**

***Senate Bill No. 2501 -- Taxes, Real Property -- Provides that persons residing outside of Davidson County may request and receive copies of public documents in possession of the state board of equalization; provides for payment of the cost of reproducing and mailing or telecopying such copies. Amends TCA, Title 67, Ch. 5, Pt. 15. by *Ford.**

REGULAR CALENDAR, CONTINUED

House Bill No. 2217 -- Medicare and Medicaid -- Decreases from 60 to 45 days time department of health has after close of fiscal year to prepare and print annual reports. Amends TCA, Title 71.

Further consideration of House Bill No. 2217, reset from April 28, 1992.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Rep. Kisber moved that House Bill No. 2217 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2217 by deleting Sections 1 and 2 of the printed bill in their entirety and substituting the following:

SECTION 1. Tennessee Code Annotated Title 71, Chapter 5, is amended by adding the following as a new part:

Section _____. There is hereby created a grant assistance program to provide financial support for eligible individuals residing in nursing homes licensed by the State of Tennessee, which individuals do not have their care paid for, in whole or in part, by a federal, state or combined federal-state medical care program.

Section _____. To be eligible to apply for a grant assistance payment under this part, an individual must meet the following qualifications:

(a) The individual must have resided or be residing, after June 30, 1992, in a facility licensed by the State as a nursing home. Residents in facilities certified as intermediate care facilities for the mentally retarded are not eligible; and

(b) For each day for which grant assistance is sought, the individual's nursing home care must not have been paid for, in whole or in part, by a federal, state or combined federal-state medical care program.

Section _____. An application for a grant assistance program payment must be made quarterly by the individual, or his legally authorized representative, on forms prescribed by regulation of the Tennessee Department of Health. Said forms shall include a certification of the individual's annual income for the previous calendar year by the individual or his legally authorized representative, and shall include a certification by the nursing home of the number of days the individual has resided in the nursing home during the quarter, the per day expense for care at the facility and the source(s) of payments to defray the expense. Such information shall be provided by the nursing home to interested applicants on a quarterly basis. Application

information is subject to verification by the department of health.

Section _____. Applications shall be processed by the department on a first come, first served basis and are subject to the amount annually appropriated for this program in the general appropriations act. Based on the application, the department shall calculate a projected annual nursing home expense for the individual which shall be the average per diem nursing home expense for the days claimed times 365 days. The projected annual nursing home expense shall be deducted from the prior year's annual income certified by the patient. The remainder shall be the adjusted annual income for purposes of this grant. The amount of the daily grant shall be determined as follows:

(a) The amount of the payments made pursuant to this part shall be based upon adjusted annual income.

(b) Adjusted annual income for the purposes of determining eligibility must not exceed 350% of the federal poverty guidelines for an individual as published annually by the U.S. Department of Health and Human Services for determining Medicaid eligibility.

(c) Individual payments under this part for adjusted annual incomes ranging from \$0 to an amount calculated to be 185% of the individual poverty guidelines is \$6.50 per day.

(d) Maximum individual payments under this part for adjusted annual incomes ranging from 186% to 350% of the individual poverty guidelines is not to exceed \$6.00 per day, as determined by rules and regulations promulgated by the commissioner of health in order to meet the sums annually appropriated for this program.

Section _____. Grant payments under this part shall be made to the individual at least quarterly and forwarded to such person at the place of his or her residence.

Section _____. The Department of Health is authorized to promulgate regulations pursuant to Title 4, Chapter 5 as necessary to implement the provisions of this part. Notwithstanding any other provision of law, the Commissioner of Health is authorized to promulgate such initial rules as public necessity rules pursuant to Section 4-5-209.

Section _____. The department shall make a

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

quarterly report to the legislative fiscal review committee of expenditures for grant assistance.

Section _____. The Department of Health is authorized to administer the provisions of this part, including, but not limited to, the ability to contract with other state agencies or entities to make payments or verify income as required by this part.

Section _____. The provisions of this section shall have no application unless funding is specifically provided for and included in the General Appropriations Bill. During any fiscal year, payments under this part shall not exceed the level of funding specifically provided for such purposes within the General Appropriations Bill.

Section _____. The amount of total annual income certified by an individual in order to qualify for a grant pursuant to this part shall include income from all sources. The certification of income by the resident shall be subject to verification by the department in its discretion.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect on July 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2217 by amending the bill, as amended by amendment 1, in the first full paragraph of Section 1 by adding the words "nursing home" after the word "their" and before the word "care" where they first appear.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Kisber moved that **House Bill No. 2217**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ayes.	86
Noes.	5
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Gunnels, Joyce, Meyer, Niceley, Shirley -- 5.

Representatives present and not voting were: Nuber, Tullos -- 2.

A motion to reconsider was tabled.

House Bill No. 2512 -- Taxes, Real Property -- Excludes from consideration as income for tax relief purposes any income required to be paid for nursing home expenses. Amends TCA 67-5-702, 703.

Further consideration of House Bill No. 2512, reset from April 28, 1992.

Rep. Chiles moved that House Bill No. 2512 be passed on third and final consideration.

Rep. Chiles moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2512 by deleting Sections 1 and 2 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-702, is amended by adding the words ", social security equivalent railroad retirement benefits, and veterans entitlements" after social security income in subsection (a)(2).

SECTION 2. Tennessee Code Annotated, Section 67-5-703, is amended by adding the words ", social security equivalent railroad retirements benefits, and veterans entitlements" after social security income in subsection (a)(2).

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Chiles moved that **House Bill No. 2512**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill No. 476.

The Senate refused to recede from adopting Amendment(s) No(s). 1, 2 and 3.

CLYDE. W. McCULLOUGH, JR.
Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 0476** -- Taxes -- Enacts "Tax Reform Law of 1991". Amends TCA, Titles 2, 67.

Rep. Copeland moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1, 2 and 3 to **House Bill No. 476**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 476**

Pursuant to **Rule No. 73**, Representative Copeland moved that the Speaker appoint 3 members of the House to a Conference Committee to

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

resolve the differences between the House and Senate on House Bill No. 476/Senate Bill 1030, and advise the Senate of the House action and request the Senate to appoint a like number.

Such Conference Committee shall report its recommendations to the House and Senate before the close of business on 4/30/92.

On motion, the Speaker appointed Reps. Copeland, Bragg and Napier.

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 2829 can be heard by the State and Local Government Committee during recess, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that study resolutions and other appropriate bills can be heard by the Calendar and Rules Committee during recess, which motion prevailed.

RULES SUSPENDED

Rep. Buck moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 1081 can be heard by the Judiciary Committee during recess, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 12** so that House Resolutions and House Joint Resolutions could be introduced and referred at this time and so that Senate Joint Resolutions could be referred, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0226 -- General Assembly -- Continues committee to study health care created by HR 36; expands it to create joint study committee. by *Hill, *Kernell, *Dixon.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0230 -- Memorials, Interns -- Isaac A.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Fordjour. by *Jones R, *DeBerry.

Held on the Clerk's desk.

House Resolution No. 0231 -- Memorials, Death -- James Myers, Jr. by *Venable.

Held on the Clerk's desk.

House Resolution No. 0232 -- Memorials, Public Service -- Catherine Rivers Johnson, Teen Town Singers. by *Jones R.

Held on the Clerk's desk.

House Resolution No. 0233 -- Memorials, Interns -- Edward R. Stanton, III. by *Byrd.

Held on the Clerk's desk.

House Joint Resolution No. 0724 -- Memorials, Recognition and Thanks -- Public Education Nashville Citizen Involved in Leadership (PENCIL) Foundation. by *Purcell.

Held on the Clerk's desk.

House Joint Resolution No. 0725 -- Memorials, Public Service -- K. Thomas Hutchinson. by *Bragg.

Held on the Clerk's desk.

RESOLUTIONS LYING OVER

On motion, the resolutions listed were referred as noted:

***Senate Joint Resolution No. 0352** -- General Assembly, Studies -- Continues special joint committee to study rising health care costs.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0372** -- General Assembly, Studies -- Continues SJR 471 for computerization and automation of courts.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0431** -- General Assembly, Studies -- Creates joint study committee on auto theft.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0433** -- Memorials, Government Officials -- Requests Federal Highway Administration to review regulations relating to vision standards for drivers of commercial motor vehicles.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0441 -- General Assembly, Studies**
-- Creates special joint committee to study improved firearm safety for protection of children.

Referred by the Speaker to the Calendar and Rules Committee.

MOTION TO RECESS

On motion of Rep. Purcell, the House recessed for 10 minutes.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

STANDING COMMITTEE REPORTS

GOVERNMENT OPERATIONS

April 30, 1992

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage: House Bill No. 2836.

KING, Chair.

Under the rules, House Bill No. 2836 was/were transmitted to the Calendar and Rules Committee.

JUDICIARY

April 30, 1992

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill No. 1081 if amended.

BUCK, Chair.

Under the rules, House Bill No. 1081 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

April 30, 1992

MR. SPEAKER: Your State and Local Government Committee reports

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

that we have carefully considered and recommend for passage: House Bill No. 2829.

LOVE, Chair.

Under the rules, House Bill No. 2829 was/were transmitted to the Calendar and Rules Committee.

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 30, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, April 30, 1992**: House Bill(s) No(s). 1081 and 2829.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Thursday, April 30, 1992**: Senate Joint Resolution(s) No(s). 352, 372, 433 and 441; House Bill(s) No(s). 2836; also House Resolution(s) No(s). 226.

PHILLIPS, Chair.

MOTION

Rep. Purcell moved that House Bill(s) No(s). 2871, having received authorization of the local delegation, and House Bill(s) No(s). 2874 be placed on the special consent calendar, which motion prevailed.

RULES SUSPENDED

Rep. R. Jones moved that the rules be suspended for the purpose of introducing House Resolution No. 253 out of order, which motion prevailed.

House Resolution No. 0253 -- General Assembly, Statement of Intent or Position -- Expresses sense of General Assembly relative to Rodney King verdict. by *Jones R, *Turner L, *Dixon, *Pruitt, *Jones U, *King, *Armstrong, *Robinson C B, Byrd, Tindell, Turner B.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. R. Jones, the resolution was adopted.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Resolution No. 253 and have this statement entered in the Journal.

Rep. Calvin Moore

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Ralph Cole

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Charles Allen

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Joe Bell

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Maria Peroulas Draper

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Les Winningham

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Resolution No. 253 and have this statement entered in the Journal.

Rep. Ken Meyer

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Bobby Wood

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Lane Curlee

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Ruth Robinson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Pete Phillips

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Karen Williams

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Resolution No. 253 and have this statement entered in the Journal.

Rep. Joe Fowlkes

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Dennis Ferguson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Tommy Haun

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Zane Whitson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. R.E. Davis

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Larry Huskey

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Resolution No. 253 and have this statement entered in the Journal.

Rep. John Chiles

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Bill McAfee

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Ken Givens

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Shirley Duer

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. H.E. Bittle

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Shelby Rhinehart

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Resolution No. 253 and have this statement entered in the Journal.

Rep. Doug Gunnels

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Steve McDaniel

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Ben West

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Randy Stamps

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to present not voting on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Page Walley

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to present not voting on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Billy Rigsby

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Gary Odom

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Beth Halteman

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to present not voting on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Jere Hargrove

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Townie Anderson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Robert McKee

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to present not voting on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Randy Rinks

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Gene Davidson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. David Coffey

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. John Arriola

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Charlie Severance

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Phillip Pinion

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Tommy Head

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Ric Nuber

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Edna Tullos

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Joe Kent

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Tim Joyce

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. John Mark Windle

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Frank Niceley

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Joyce Hassell

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Micheal Williams

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Mayo Wix

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Clint Callicott

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Mike Liles

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Ed Haley

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Alan Hubbard

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Richard Venable

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. I.V. Hillis

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Jim Holcomb

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Resolution No. 253 and have this statement entered in the Journal.

Rep. Ray Davis

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1668, 1689, 2322 and 2745; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1668 -- Taxes, Excise -- Expands category of**

interest defined in 26 U.S.C. 103 which may be deducted as an expense on excise tax. Amends TCA 67-4-8005. by *Dunavant.

***Senate Bill No. 1689 -- Fees --** Increases clerks' fees as follows: issuing garnishment, from \$2.00 to \$8.50; receiving taxes, fees, etc., from 5 to 10 percent; criminal case of record, flat fee from \$147 to \$175; deferred payment fee from 5 to 10 percent, not to exceed \$250. Amends TCA 8-21-401. by *Davis E.

***Senate Bill No. 2322 -- Health --** Creates select committee on health care of ten members, at least two from each finance and general welfare committee; provides duties relative to comprehensive plans and provisions so each Tennessean can obtain equal quality and affordable health care. by *McNally, *Darnell.

***Senate Bill No. 2745 -- Human Rights --** Revises standards for determination of discriminatory behavior due to familial status; revises grievance process for human rights violations. Amends TCA, Title 4, Ch. 21. by *Harper, Davis E.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1812 and 1814; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1812 -- Taxes, Real Property --** Revises qualifications for taxpayer assistance to aged and disabled. Amends TCA, Title 67, Ch. 5. by *Springer, *Rochelle, *Person.

***Senate Bill No. 1814 -- General Assembly --** Creates legislative office of budget. Amends TCA, Title 3. by *Montgomery, Haynes, Hicks, Crowe, Darnell, Hamilton, McKnight.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2835 -- Custody and Support --** Permits duty of support to be established by filing of original support petition or original paternity petition under Uniform Reciprocal Enforcement of Support Act. Amends TCA 36-5-207.

Further consideration of House Bill No. 2835, reset from April 28, 1992.

On motion, House Bill No. 2835 was made to conform with Senate Bill No. 2845.

On motion, **Senate Bill No. 2845**, on same subject, was substituted for House Bill No. 2835.

Rep. Purcell moved that **Senate Bill No. 2845** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2845 by adding the following to the end of the amendatory language of subsection (b) of SECTION 1:

Provided, however, if paternity is attempted to be established by a petition filed pursuant to this part, the defendant to such paternity action shall have the same rights and privileges as the defendant in a paternity action filed pursuant to Tennessee Code Annotated, Title 36, Chapter 2.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **Senate Bill No. 2845**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1964 -- Taxes, Excise -- Expands category of interest defined in 26 U.S.C. 103 which may be deducted as an expense on excise tax. Amends TCA 67-4-8005.

Further discussion of House Bill No. 1964, reset from April 28, 1992.

On motion, House Bill No. 1964 was made to conform with Senate Bill No. 1668.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, **Senate Bill No. 1668**, on same subject, was substituted for House Bill No. 1964.

Rep. Kisber moved that **Senate Bill No. 1668** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2831 -- Paternity --** Allows father to acknowledge paternity at hospital where child born; requires registry of all children legitimized by acknowledgement in juvenile courts. Amends TCA, Title 36, Ch. 2, Pt. 2.

Further discussion of House Bill No. 2831, reset from April 28, 1992.

On motion, House Bill No. 2831 was made to conform with Senate Bill No. 2843.

On motion, **Senate Bill No. 2843**, on same subject, was substituted for House Bill No. 2831.

Rep. Williams (Shelby) moved that **Senate Bill No. 2843** be passed on third and final consideration.

Rep. Williams (Shelby) moved that **Amendment No. 1** be withdrawn, which motion prevailed.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2843 by adding the following as a new subdivision to subsection (b) added by Section 1 of the printed bill:

() In recognition of the overriding importance to the father, the mother and the state that one conclusively established in law not to be the father of a child not be declared as the father of the child, any order of legitimation entered pursuant to this subsection may be rescinded if a subsequent blood test, of the mother, the named father, and the child proves conclusively that the named father cannot be the natural father of the child. To this end the named father may petition the court under Tennessee Code Annotated, Section 24-7-112 (2) to order blood tests.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Williams (Shelby) moved that **Senate Bill No. 2843**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Purcell -- 1.

A motion to reconsider was tabled.

House Bill No. 2184 -- DUI/DWI Offenses -- Enacts "Drunk Driving Child Protection Act". Amends TCA, Title 55, Ch. 10, Pt. 4.

Further consideration of House Bill No. 2184, reset from April 28, 1992.

On motion, House Bill No. 2184 was made to conform with Senate Bill No. 2409.

On motion, **Senate Bill No. 2409**, on same subject, was substituted for House Bill No. 2184.

Rep. Hill moved that **Senate Bill No. 2409** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hill moved that **Amendment No. 2** be withdrawn, which motion prevailed.

Rep. Hill moved that **Senate Bill No. 2409** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2721 -- Purchasing -- Requests commissioner of general services to establish regulations to strive to avoid purchases involving materials derived from endangered rainforests. Amends TCA, Title 12, Ch. 3.

Further consideration of House Bill No. 2721, reset from April 28, 1992.

On motion, House Bill No. 2721 was made to conform with Senate Bill No. 2667.

On motion, **Senate Bill No. 2667**, on same subject, was substituted for House Bill No. 2721.

Rep. Kernell moved that **Senate Bill No. 2667** be passed on third and final consideration.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2667 by deleting Section 1 of the printed bill and by substituting the following:

SECTION 1. The commissioner of general services is requested to conduct a study of the purchase by the state of any materials or products having their origin in raw materials derived from the endangered rain forest and how the state might reduce or eliminate the purchase of such materials or products. The commissioner is also requested to purchase non-rain forest products if comparable in quality and cost to products derived from endangered rain forests.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Thereupon, Rep. Kernell moved that **Senate Bill No. 2667**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 0339 -- Constitutional Amendments**
-- Allows income taxation by the state, and by municipalities and counties, if authorized by the general assembly. Amends Art. II, Sec. 28; Art. XI, Sec. 9.

Further consideration of Senate Joint Resolution No. 339, previously considered on April 22, 1992, at which time it passed First Reading; on April 23, 1992, at which time it passed Second Reading; and on April 28, 1992, at which time it was reset to the

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Calendar for April 30, 1992.

Rep. Robinson (Davidson) moved that **Senate Joint Resolution No. 339** be read by the Clerk then voted on for passage on Third Reading, which motion failed by the following vote:

Ayes.	3
Noes.	84
Present and not voting.	5

Representatives voting aye were: Knight, Napier, Robinson (Hamilton) -- 3.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 84.

Representatives present and not voting were: Buck, Holt, Moore, Turner (Hamilton), Mr. Speaker Naifeh -- 5.

Pursuant to **Rule No. 63**, having received a Constitutional majority in the negative, the Speaker entertained a motion to reject **Senate Joint Resolution No. 339**. Hearing none, the Speaker referred **Senate Joint Resolution No. 339** to the Calendar and Rules Committee.

House Bill No. 2129 -- Taxes, Real Property -- Revises qualifications for taxpayer assistance to aged and disabled. Amends TCA, Title 67, Ch. 5.

Further consideration of House Bill No. 2129, reset from April 28, 1992.

On motion, House Bill No. 2129 was made to conform with Senate Bill No. 1812.

On motion, **Senate Bill No. 1812**, on same subject, was substituted for House Bill No. 2129.

Rep. Jackson moved that **Senate Bill No. 1812** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Jackson moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 1812 by deleting from Section 1(a)(2) the words, figures and symbols "shall not be less than eight thousand four hundred dollars (\$8,400)" and by substituting instead the following:

shall not be less than six thousand dollars (\$6,000)

AND FURTHER AMEND by deleting from Section 2(a)(2) as amended by Senate Amendment Number 1 the words, symbols and figures "shall not be less than eight thousand four hundred dollars (\$8,400)" and by substituting instead the following:

shall not be less than six thousand dollars (\$6,000)

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Jackson moved that **Senate Bill No. 1812**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2776 -- Human Rights -- Revises standards for determination of discriminatory behavior due to familial status; revises grievance process for human rights violations. Amends TCA, Title 4, Ch. 21.

Further discussion of House Bill No. 2776, reset from April 28, 1992.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, House Bill No. 2776 was made to conform with Senate Bill No. 2745.

On motion, **Senate Bill No. 2745**, on same subject, was substituted for House Bill No. 2776.

Rep. Armstrong moved that **Senate Bill No. 2745** be passed on third and final consideration.

Rep. Buck moved that **Amendment No. 1** be withdrawn, which motion prevailed.

Rep. Armstrong moved that **Senate Bill No. 2745** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER PRO TEM

Mr. Speaker Naifeh relinquished the Chair to Rep. Hubbard, as Speaker pro tem.

REGULAR CALENDAR, CONTINUED

House Bill No. 2735 -- Contractors -- Restricts contractors from performing work in a classification other than classification for which contractor is licensed. Amends TCA 62-6-111.

Further consideration of House Bill No. 2735, previously considered on March 23, April 1, April 15, 1992, at which time it was reset to the Calendars for April 28 and April 30, 1992.

Rep. Head moved that House Bill No. 2735 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2735 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-111(d), is amended by deleting the first sentence and by substituting instead the following:

A contractor may bid on a contract requiring work in a classification(s) other than the one in which the contractor is licensed if and only if such work is electrical, plumbing or heating, ventilation or air conditioning, or supplemental to the performance of work in which the contractor is licensed to engage or such work is performed by a subcontractor, employed by the contractor, who is properly licensed to perform such work as required under this chapter.

At the request of Rep. Head, House Bill No. 2735 was moved 3 places.

House Bill No. 2759 -- Transportation, Dept. of -- Establishes Transportation Equity Trust Fund as trust fund. Amends TCA, Title 67.

Further consideration of House Bill No. 2759, reset from April 28, 1992.

On motion, House Bill No. 2759 was made to conform with Senate Bill No. 2707.

On motion, **Senate Bill No. 2707**, on same subject, was substituted for House Bill No. 2759.

Rep. Jackson moved that **Senate Bill No. 2707** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Jackson moved that **Senate Bill No. 2707** be passed on third and final consideration.

At the request of Rep. Jackson, Senate Bill No. 2707 was moved 5 places.

House Bill No. 2369 -- Medical Occupations -- Removes on-site supervision requirement for practice by physical therapist pending receipt of permit. Amends TCA 63-13-305.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, House Bill No. 2369 was made to conform with Senate Bill No. 2342.

On motion, **Senate Bill No. 2342**, on same subject, was substituted for House Bill No. 2369.

Rep. Arriola moved that **Senate Bill No. 2342** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Arriola moved that **Senate Bill No. 2342** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 1853** -- Employees, Employers -- Enacts "Employee Assistance Program Licensing Act" which requires employee assistance agencies to be licensed; gives department of labor authority to devise such licensing requirements. Amends TCA, Titles 4, 62, 63.

Rep. West moved that House Bill No. 1853 be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1853 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1.

(a) There is hereby created the board of employee assistance professionals certification and licensure.

(b) The board shall consist of five (5) members who are residents of the state to be appointed by the governor.

(1) Initial appointments to the board shall be as follows:

(A) two (2) independent, external certified employee assistance professionals for terms of one (1) year and four (4) years respectively;

(B) one (1) person, who is not directly or indirectly engaged in the employee assistance profession, for a term of two (2) years;

(C) one (1) certified employee assistance professional for a term of four (4) years; and

(D) one (1) certified employee assistance professional for a term of five (5) years.

(2) The Tennessee chapters of the Employee Assistance Professionals Association may submit a list of at least three (3) nominees for each appointment or vacancy to be filled and the governor may make his appointment from such list.

(3) All board members, except the member who is not directly or indirectly engaged in employee assistance shall be duly registered or eligible to be registered by the board. Subsequent appointees to the board shall possess the professional qualifications required by their predecessors and shall be appointed to five-year terms.

(4) Members shall serve until their successors are appointed and qualified. Any vacancy occurring on the board shall be filled by the governor for the balance of the unexpired term. A board member who has served a five-year term shall not be eligible for reappointment during the one (1) year period following the appointment of his successor.

(5) In making appointments to the board, the governor shall strive to insure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(c) For each day engaged in the business of the board, members shall receive as compensation fifty dollars (\$50.00) and shall also receive actual expenses to be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general.

(d) The members of the board shall annually elect a chairman and a secretary.

(e) The board shall meet as frequently as shall be reasonably necessary to implement the provisions of this act. Three (3) or more members of the board shall constitute a quorum for the purpose of transacting board business.

(f) For administrative purposes, the board shall be attached to the department of labor, created by § 4-3-101.

SECTION 2.

(a) Upon application by any individual holding the certified employee assistance professional designation by Employee Assistance Certification Commission (EACC) and upon payment of a certificate fee set by the board, the board shall issue an annual certificate of registration as a certified employee assistance professional.

(b) No person shall, by verbal claim, advertisement, letterhead, card, or in any other way represent himself to be an external provider of employee assistance services unless such person possesses a valid certificate of registration issued pursuant to subsection (a).

(c) Violation of subsection (b) is a Class C misdemeanor which is punishable by a fine of not more than fifty dollars (\$50.00).

SECTION 3.

(a) As used in this act, "external employee assistance professional" means a certified employee assistance professional who is professionally qualified to provide, through autonomous practice,

employee assistance program (EAP) services which are worksite-based and designed to assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns including, but not limited to: health, marital, family, financial, alcohol, drug, legal, emotional, stress, or other personal concerns which may adversely affect employee job performance.

The specific core activities of EAPs include (1) expert consultation and training to appropriate persons in the identification and resolution of job-performance issues related to the aforementioned employee personal concerns, and (2) confidential, appropriate and timely problem-assessment services; referrals for appropriate diagnosis, treatment and assistance; the formation of linkages between workplace and community resources that provide such services; and follow-up services for employees who use those services.

(b) A duly certified employee assistance professional who has the equivalency of three (3) years' full-time experience may apply for a license to engage as an external provider of employee assistance services by:

(1) Submitting an application to the board, along with the EACC certified employee assistance professional document; and

(2) Paying a fee as set by the board.

(c) During the one (1) year period following July 1, 1992, an external provider of employee assistance services shall:

(1) Obtain a valid state license to provide such services, or

(2) Enter into a contractual agreement with a licensed employee assistance professional to provide supervision in order to obtain such licensure.

(d) No person shall act as, or represent himself to be, an external provider of employee assistance services as defined in this section unless such person possesses a valid license issued pursuant to subsections (b) or (c).

(e) Violation of subsection (d) is a Class C misdemeanor and is punishable by a fine of not more than fifty dollars (\$50.00).

SECTION 4. All persons who are certified as employee assistance professionals shall renew their licenses as follows:

(1) On or before December 1 of each year, the board shall mail an application for renewal to every person holding a valid current license.

(2) Each applicant shall complete and return such application to the board on or before January 1 of each year.

(3) Annual licensure renewal fees in an amount established by the board shall accompany each renewal application.

(4) If any holder of a license fails to renew his license within sixty (60) days after registration becomes due the license of such person shall be automatically revoked without further notice or hearing unless specifically requested.

SECTION 5. Any person licensed to practice employee assistance in this state, who has retired or may hereinafter retire from such practice shall not be required to register as required by this act, provided such person files with the board an affidavit on a form, prescribed by the board, stating the date on which the person retired from such practice and such other facts that are required by the board. If such person thereafter reengages in the practice of employee assistance, such person shall register with the board as provided by this act.

SECTION 6.

(a) The board shall have the power to deny, suspend, or revoke any license, or to otherwise discipline an applicant or holder of a license who is found guilty by the board of one or more of the following:

(1) Willful or repeated violation of any provision of this act or any rules of the board;

(2) Fraud or deceit in procuring or attempting to procure a license, presenting to the board dishonest or fraudulent evidence of qualification, or fraud or deception in the process of examination for the purpose of securing a license;

(3) Willful failure to display a license;

(4) Fraud, deception, misrepresentation, dishonest or illegal practices in or connected

with the practice of employee assistance;

(5) Circulating knowingly untrue, fraudulent, misleading or deceptive advertising;

(6) Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of practice;

(7) Unprofessional or unethical conduct, or engaging in practices in connection with the practice of employee assistance which are in violation of the standards of professional conduct prescribed by the board;

(8) Conduct reflecting unfavorably upon the profession of employee assistance;

(9) Willful making of any false statement as to material in any oath or affidavit which is required by this act;

(10) Revocation by another state of a license or certificate to practice in that state, in which case the record of such revocation shall be conclusive evidence;

(11) Conviction of a felony under federal or state law involving use, misuse, possession or sale of any controlled substances;

(12) Conviction of a felony in the courts of this state or any other state, territory or country which, if committed in this state would be a felony;

(A) The record of conviction in a court of competent jurisdiction shall be sufficient evidence for disciplinary action to be taken as may be considered proper by the board. For the purpose of this act, a conviction shall be considered to be a conviction which has been upheld by the highest appellate court having jurisdiction, or a conviction upon which the time for filing an appeal has passed; and

(B) A record of conviction upon charges which involve unlawful practice, and based upon such record of conviction, without any other testimony, the board may take temporary disciplinary action even though an appeal for review by a higher court may be pending.

(13) Permitting or allowing another to use his license for the purpose of providing or offering employee assistance services;

(14) Engaging in practice under a false or assumed name, or the impersonation of another practitioner of a like, similar or different name;

(15) Employing or permitting any person who does not hold a license to practice employee assistance in this state to perform work which, under this chapter, can lawfully be done only by persons holding such certificate and permitted by law to practice employee assistance in this state;

(16) Addiction to the habitual use of intoxicating liquors, narcotics or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties; or

(17) Having been judged mentally incompetent by a court of competent jurisdiction and the disabilities of such person not having been restored, or the voluntary commitment or admission to a state hospital or other mental institution. The record of adjudication, judgment, order or voluntary commitment is conclusive evidence of such mental illness, and upon receipt of a certified copy of any such adjudication, judgment, order or record of voluntary commitment by the board, it may suspend the certificate or license of the person so adjudicated or committed.

(b) The board may on its own motion cause to be investigated any report indicating that a certificate or license holder is or may be in violation of the provisions of this act. Any person who in good faith reports to the board any information that a certificate or license holder is or may be in violation of any provisions of this act shall not be subject to suit for civil damages as a result thereof.

(c) All administrative proceedings for disciplinary action against a licensee or certificate holder undertaken pursuant to this act shall be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. The confidential relations and communications between a certified employee assistance professional and client are placed upon the same basis as those provided by law between licensed psychologists and

psychological examiners, social workers, and client.

SECTION 8. The board is authorized to promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, such rules and regulations that are necessary to implement the provisions of this act.

SECTION 9. The board may, at its discretion, grant an independent practitioner's license without examination to any person residing or employed in Tennessee and who at the time of application is licensed as an external provider of employee assistance services by another state whose standards, in the opinion of the board, are as stringent as those required by this act.

SECTION 10.

(a) Supervision as the term is used in Tennessee Code Annotated §63-23-103 is defined to include the following:

(1) Frequent and regularly scheduled one to one or group discussion between supervisor and supervisee which shall focus on:

(A) Data from the supervisee's employee assistance professional work made available to the supervisor by oral and written clinical reports, direct observation and audio or audiovisual recordings;

(B) Mutually developed goals and objectives for the development of learning.

(2) Maintaining of supervisee's specific cases and his or her skill development by supervisor.

(b) The supervision required by subsection (a)(1) shall total at least one (1) hour for every thirty (30) hours of clinical contact hours over a three year period. That supervision time shall be in addition to:

(1) Any overall administrative supervision, and;

(2) Any group seminar or group consultations which are deemed appropriate.

(c) Records of the experience and the supervision process must be maintained by both the supervisor and supervisee. The supervisor shall submit verification of supervision directly to the

board on board approved forms.

SECTION 11. Unprofessional or unethical conduct, or incompetency, or ignorance, or negligence, as those terms are used in this act, are defined as and include, but are not limited to, the following:

(a) Circulating knowingly untrue, fraudulent, misleading or deceptive advertising.

(b) Engaging in sexual activities with clients.

(c) Conviction of any crime involving moral turpitude.

(d) Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics controlled substances, or other drugs or stimulants in such manner as to adversely affect the person's ability to practice the profession of employee assistance.

(e) Failure of an employee assistance professional to inform clients fully about the limits of confidentiality in a given situation, the purposes for which information is obtained, and how it may be used.

(f) Denial of clients' reasonable requests for access to any records concerning them. When providing clients with access to records, the employee assistance professional shall take due care to protect the confidences of others contained in those records.

(g) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

(h) Failure to clarify the nature and directions of an employee assistance professional loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the employee assistant professional's employing institution.

(i) Failure to fully inform consumers as to the purpose and nature of an evaluative research, treatment, educational or training procedure, and freely acknowledging that clients, students, or participants in research have freedom of choice with regard to participation.

(j) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer.

Employee assistance professionals who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(k) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair their professional judgment or increase the risk of client exploitation.

(l) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(m) Failure to terminate service to clients, and professional relationships with them, when such service and relationships are no longer required. The certified employee assistance professional who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the client's needs and preferences.

(n) Setting fees that are unreasonable and not commensurate with the service performed.

(o) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.

SECTION 12. State and local governmental entities which enter into contracts with external employee assistance providers must contract with certified or licensed employee assistance professionals.

SECTION 13. This act shall take effect July 1, 1992, the public welfare requiring it.

Rep. Clark moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 1853 by adding the following as a new section to be appropriately designated:

SECTION _____. Nothing in this act shall be construed as prohibiting an employer from contracting with other licensed professionals practicing within the scope of their

profession to provide the services enumerated in Section 3 of Amendment No. 1.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Walley moved the previous question, which motion prevailed.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Clark moved adoption of Consumer and Employees Affairs Committee Amendment No. 2 to Amendment No. 1 as follows:

Amendment No. 2 to Amendment No. 1

Amend House Bill No. 1853 by designating the existing language of subsection (a) of Section 2 of Amendment No. 1 as subdivision (1) and by adding a new subdivision thereto, as follows:

(2) Provided, that no person who has been convicted of a felony shall be eligible to receive a certificate of registration as a certified employee assistance professional.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Rep. Clark moved adoption of Consumer and Employee Affairs Committee Amendment No. 3 to Amendment No. 1 as follows:

Amendment No. 3 to Amendment No. 1

Amend House Bill No. 1853 by deleting in subsection (b) of Section 3 of Amendment No. 1 the language "three (3) years' full-time experience" and by substituting instead the language and punctuation "three (3) years' full-time experience, to include sixty (60) hours of professional development courses and/or seminars,".

On motion, Amendment No. 3 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Kernell moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1853 by adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 4-29-214(a), is amended by adding a new item thereto, as follows:

() Board of employee assistance professionals certification and licensure, created by Section 1 of this act;lid

On motion, Amendment No. 2 was adopted.

Rep. West moved that House Bill No. 1853, as amended, be passed on third and final consideration.

Rep. Davis (Gibson) moved the previous question, which motion prevailed by the following vote:

Ayes.	68
Noes.	21
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Tindell, Turner (Shelby), Walley, West, Windle, Wix, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Allen, Chiles, Chumney, Copeland, Duer, Holcomb, Hubbard, Joyce, Kernell, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Washington), Shirley, Sipes, Tullios, Venable, Whitson, Williams (Shelby) -- 21.

Representatives present and not voting were: Bragg -- 1.

Thereupon, Rep. West moved passage of House Bill No. 1853 on third and final consideration, which motion failed by the following vote:

Ayes.	35
Noes.	52
Present and not voting.	5

Representatives voting aye were: Bell, Bivens, Buck, Clark, Collier, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Givens, Halteman, Herron, Holt, King, Kisber, Liles, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Severance, Stamps, Turner (Shelby), Walley, West, Williams (Shelby), Wood, Mr. Speaker Naifeh -- 35.

Representatives voting no were: Allen, Anderson, Armstrong, Bittle, Bragg, Byrd, Callicott, Chiles, Coffey, Cole, Davidson, Davis (Cocke), Duer, Ferguson, Fowlkes, Gunnels, Hargrove, Hassell,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Haun, Head, Hill, Hillis, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Knight, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Shirley, Sipes, Tindell, Tullos, Venable, Whitson, Williams (Union), Windle, Winningham -- 52.

Representatives present and not voting were: Chumney, Copeland, Haley, Holcomb, Wix -- 5.

Pursuant to **Rule No. 63**, having received a Constitutional majority in the negative, the Speaker entertained a motion to reject House Bill No. 1853. Hearing none, the Speaker referred **House Bill No. 1853** to the Calendar and Rules Committee.

House Bill No. 2672 -- Probation -- Provides that in misdemeanor cases, as a condition precedent of probation, defendant must pay minimum of \$10.00 per month of expenses incurred by supervisory agency. Amends TCA 40-35-303.

On motion, House Bill No. 2672 was made to conform with Senate Bill No. 2655.

On motion, **Senate Bill No. 2655**, on same subject, was substituted for House Bill No. 2672.

Rep. Anderson moved that Senate Bill No. 2655 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Anderson moved that **Senate Bill No. 2655** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Williams (Union) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 733 out of order, which motion prevailed.

House Joint Resolution No. 0733 -- Memorials, Recognition and Thanks -- Representative Jimmy Kyle Davis. by *Williams M.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams (Union), the resolution was adopted by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Davis (Knox) -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 1112 -- Ethics -- Prohibits conversion of campaign funds; restricts gifts to officials; expands conflict of interest disclosure. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 8, Ch. 50, Pt. 50.

On motion, House Bill No. 1112 was made to conform with Senate Bill No. 1209.

On motion, **Senate Bill No. 1209**, on same subject, was substituted for House Bill No. 1112.

Rep. Kisber moved that **Senate Bill No. 1209** be passed on third and final consideration.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1209 by deleting Section 4 in its entirety, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following language as a new, appropriately numbered section:

Section _____. The acceptance of an honorarium by a public official in such person's capacity as a public official is prohibited. "Honorarium" means a payment of money or any thing of value for an appearance, speech or article, but does not include actual and necessary travel expenses, meals and lodging associated with such appearance, speech or article.

Acceptance of an honorarium for an appearance, speech or article by a public official in such person's capacity as a private businessman, professional or tradesman is not prohibited.

Rep. Davis (Gibson) moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Davis (Gibson) moved the previous question, which motion prevailed by the following vote:

Ayes.	68
Noes.	23
Present and not voting.	1

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Halteman, Hargrove, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, McKee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Allen, Armstrong, Bragg, Chiles, Chumney, Duer, Gunnels, Haley, Hassell, Haun, Hubbard, Joyce, Liles, McAfee, Meyer, Niceley, Nuber, Rhinehart, Shirley, Tullis, Turner (Hamilton), Turner (Shelby), Williams (Shelby) -- 23.

Representatives present and not voting were: Kernell -- 1.

Thereupon, Rep. Kisber moved that Senate Bill No. 1209, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Jones U (Shelby), Turner (Shelby) -- 2.

Representatives present and not voting were: Rhinehart -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 1209 and have this statement entered in the Journal.

Rep. Steve McDaniel

MESSAGE FROM THE SENATE April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 436, 492, 494, 500, 501, 502, 503, 506, 507 and 508; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Joint Resolution No. 0436 -- General Assembly, Studies -- Creates special joint committee to study storm water management by municipalities. by *Atchley.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Senate Joint Resolution No. 0492 -- Memorials, Public Service -- Tommy Sanford, Heart of Tennessee Award. by *Womack.

Senate Joint Resolution No. 0494 -- Memorials, Public Service -- Dr. Charles Gillenwater. by *Darnell.

Senate Joint Resolution No. 0500 -- Memorials, Interns -- Yolanda A. Cummings. by *Davis E.

Senate Joint Resolution No. 0501 -- Memorials, Interns -- Allison Flynn. by *Davis E.

Senate Joint Resolution No. 0502 -- Memorials, Death -- Allen Harris, Jr. by *Crowe.

Senate Joint Resolution No. 0503 -- Memorials, Interns -- Patti Rutledge. by *Crowe.

Senate Joint Resolution No. 0506 -- Memorials, Public Service -- Sharron Johnson. by *Ford.

Senate Joint Resolution No. 0507 -- Memorials, Interns -- Christopher Key. by *Cohen.

Senate Joint Resolution No. 0508 -- Memorials, Interns -- Douglas David Himes. by *Cohen.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 430; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0430** -- General Assembly, Studies -- Creates joint committee on Used Oil Collection program. by *Cohen.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 499 and 505; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0499 -- Memorials, Interns -- Stacey L. Brawley. by *Ford.

Senate Joint Resolution No. 0505 -- Memorials, Retirement -- Carl K. Ross. by *Hicks.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2834; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2834 -- Clarksville -- Revises charter. Amends Chapter 292, Private Acts of 1957, as amended. by *Darnell.

RULES SUSPENDED

Rep. Chiles moved that the rules be suspended to consider the Consent Calendar set by Calendar and Rules at this time, which motion prevailed. Rep. Chiles further moved that resolutions so noted be added to this calendar, which motion prevailed.

CONSENT CALENDAR

*Senate Joint Resolution No. 0352 -- General Assembly, Studies -- Continues special joint committee to study rising health care costs.

*Senate Joint Resolution No. 0372 -- General Assembly, Studies -- Continues SJR 471 for computerization and automation of courts.

*Senate Joint Resolution No. 0433 -- Memorials, Government Officials -- Requests Federal Highway Administration to review regulations relating to vision standards for drivers of commercial motor vehicles.

*Senate Joint Resolution No. 0441 -- General Assembly, Studies -- Creates special joint committee to study improved firearm safety for protection of children.

*House Bill No. 2836 -- Sunset Laws -- State funding board, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 9.

On motion, House Bill No. 2836 was made to conform with Senate Bill No. 2854.

On motion, Senate Bill No. 2854, on same subject, was substituted for House Bill No. 2836.

*House Bill No. 2874 -- County Officers -- Removes law enforcement duties from constables in Rutherford County. Amends TCA 8-10-101, 108, 40-6-210, 55-8-152, 202, 57-9-101.

House Bill No. 2837 -- Clarksville -- Revises charter. Amends Chapter 292, Private Acts of 1957, as amended.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, House Bill No. 2837 was made to conform with Senate Bill No. 2834.

On motion, **Senate Bill No. 2834**, on same subject, was substituted for House Bill No. 2837.

House Bill No. 2871 -- Hamilton County -- Revises make up of board of education. Amends Chapter 475, Private Acts of 1917, as amended.

On motion, House Bill No. 2871 was made to conform with Senate Bill No. 2870.

On motion, **Senate Bill No. 2870**, on same subject, was substituted for House Bill No. 2871.

House Resolution No. 0226 -- General Assembly, Studies -- Continues committee to study health care created by HR 36; expands it to create joint study committee.

House Resolution No. 0235 -- General Assembly, Directed Studies -- Initiates certain studies pertaining to African-American community. by *Pruitt, *DeBerry.

Introduced; placed on consent calendar.

***Senate Joint Resolution No. 0430** -- General Assembly, Studies -- Creates joint committee on Used Oil Collection program.

Placed on consent calendar.

***Senate Joint Resolution No. 0436** -- General Assembly, Studies -- Creates special joint committee to study storm water management by municipalities.

Placed on consent calendar.

House Joint Resolution No. 0732 -- Highway Signs -- Charles H. Coolidge, Medal of Honor Highway as Blue Star Memorial Highway. by *McAfee.

Introduced; placed on consent calendar.

House Joint Resolution No. 0739 -- Highway Signs -- "Union County Veterans' Memorial Bridge," Clinch River Bridge. by *Williams M.

Introduced; placed on consent calendar.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Purcell moved passage on third and final consideration of the Special Resolutions Consent Calendar, which motion prevailed.

SPECIAL CONSENT CALENDAR

House Joint Resolution No. 0724 -- Memorials, Recognition and Thanks -- Public Education Nashville Citizen Involved in Leadership (PENCIL) Foundation.

Placed on special consent calendar.

House Joint Resolution No. 0725 -- Memorials, Public Service -- K. Thomas Hutchinson.

Placed on special consent calendar.

House Joint Resolution No. 0726 -- Memorials, Death -- Henry Harding Potter. by *Windle.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0727 -- Memorials, Interns -- Trynna Yulande Brown. by *Haun.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0729 -- Memorials, Retirement --

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ralph Glassford. by *Chiles.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0730 -- Memorials, Public Service -- Myntha Storey, Maggie Barger, and Pearl Storey McCarty. by *Winningham.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0731 -- Memorials, Public Service -- Reverend Leo M. Gray, Jr. by *Dixon, *DeBerry, *Jones R.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0735 -- Memorials, Interns -- Robin L. Harris. by *Jones R.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0736 -- Memorials, Personal Achievement -- Representative Dennis Ferguson, Outstanding Young Tennessean. by *Winningham, *Windle, *Hillis, *Davidson, *Rhinehart, *Cross, *Johnson, *Herron, *Givens, *Rigsby.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0737 -- Memorials, Sports -- Gallatin High School girls' basketball team. by *Stamps, *Wix.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0738 -- Memorials, Sports -- Hendersonville High School boys' basketball team. by *Stamps, *Callicott.

Introduced; placed on special consent calendar.

House Resolution No. 0230 -- Memorials, Interns -- Isaac A. Fordjour.

Placed on special consent calendar.

House Resolution No. 0231 -- Memorials, Death -- James Myers, Jr.

Placed on special consent calendar.

House Resolution No. 0232 -- Memorials, Public Service -- Catherine Rivers Johnson, Teen Town Singers.

Placed on special consent calendar.

House Resolution No. 0233 -- Memorials, Interns -- Edward R. Stanton, III.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Placed on special consent calendar.

House Resolution No. 0234 -- Memorials, Interns -- Nicole Trail.
by *Purcell, *Naifeh, *Ridgeway.

Introduced; placed on special consent calendar.

House Resolution No. 0236 -- Memorials, Public Service -- Helen R. Tucker. by *Crain.

Introduced; placed on special consent calendar.

House Resolution No. 0237 -- Memorials, Interns -- Kelly Rose.
by *Liles, *Anderson, *McKee.

Introduced; placed on special consent calendar.

House Resolution No. 0238 -- Memorials, Interns -- Steven E. Hoggard. by *Williams K, Meyer.

Introduced; placed on special consent calendar.

House Resolution No. 0239 -- Memorials, Public Service -- Barbara Moment, Founder of the Seek for the Old Path Shelter. by *Jones R.

Introduced; placed on special consent calendar.

House Resolution No. 0240 -- Memorials, Personal Achievement -- Troy Leon Brady, Eagle Scout. by *Kent.

Introduced; placed on special consent calendar.

House Resolution No. 0241 -- Memorials, Public Service -- Ruth Hardin. by *Armstrong.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0242 -- Memorials, Public Service -- Oak Grove School Loyalty Day. by *Bivens.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0243 -- Memorials, Public Service -- Natural Helpers Program. by *Venable.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0244 -- Memorials, Public Service -- Donald Gonce, Citizen of the Year. by *Venable.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0245 -- Memorials, Interns -- David Wolff.
by *Jones U, *Chumney.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Introduced; placed on Special Consent Calendar.

House Resolution No. 0246 -- Memorials, Interns -- Marc Stan Schwerdt. by *Rhinehart, *Bivens, *Jackson.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0247 -- Memorials, Interns -- LaTonya Smith. by *King, *Garrett, *Kernell.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0248 -- Memorials, Interns -- Andrew Maloney. by *Stamps.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0249 -- Memorials, Personal Achievement -- Swine, Women and Song. by *King, *Kernell, *Jones U, *Turner L, *DeBerry, *Kent, *Knight.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0250 -- Memorials, Heroism -- Dallas Gregory and Michael L. Hughes, II. by *Ferguson.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0251 -- Memorials, Interns -- Jennifer Joyce Fontane. by *Tullos, *Kernell, *King.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0252 -- Memorials, Public Service -- Reverend Leo M. Gray, Jr. by *Dixon, *DeBerry, *Jones R.

Introduced; placed on special consent calendar.

House Resolution No. 0254 -- Memorials, Professional and Business Achievement -- Ronnie McDowell. by *Stamps, *Wix.

Introduced; placed on special consent calendar.

House Resolution No. 0255 -- Memorials, Public Service -- Christine Leach. by *Davis Ray.

Introduced; placed on special consent calendar.

House Resolution No. 0256 -- Memorials, Public Service -- Mitchell Wright. by *Davis Ray.

Introduced; placed on special consent calendar.

House Resolution No. 0257 -- Memorials, Sports -- Derrick Jones. by *Herron.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Introduced; placed on special consent calendar.

Senate Joint Resolution No. 0486 -- Memorials, Interns -- Sara Fulton.

Placed on special consent calendar.

Senate Joint Resolution No. 0489 -- Memorials, Public Service -- Senator Ruth Montgomery.

Placed on special consent calendar.

Senate Joint Resolution No. 0490 -- Memorials, Public Service -- Senator Lynn Lawson.

Placed on special consent calendar.

Senate Joint Resolution No. 0491 -- Memorials, Interns -- William Paul Margulies, Jr.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0492 -- Memorials, Public Service -- Tommy Sanford, Heart of Tennessee Award.

Placed on special consent calendar.

Senate Joint Resolution No. 0494 -- Memorials, Public Service -- Dr. Charles Gillenwater.

Placed on special consent calendar.

Senate Joint Resolution No. 0495 -- Memorials, Public Service -- Wrenza Jordan.

Placed on special consent calendar.

Senate Joint Resolution No. 0496 -- Memorials, Public Service -- Larry Keeton.

Placed on special consent calendar.

Senate Joint Resolution No. 0497 -- Memorials, Public Service -- Eugene A. Russell.

Placed on special consent calendar.

Senate Joint Resolution No. 0498 -- Memorials, Personal Achievement -- Mary C. Barnes.

Placed on special consent calendar.

Senate Joint Resolution No. 0499 -- Memorials, Interns -- Stacey L. Brawley.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Placed on special consent calendar.

Senate Joint Resolution No. 0500 -- Memorials, Interns -- Yolanda A. Cummings.

Placed on special consent calendar.

Senate Joint Resolution No. 0501 -- Memorials, Interns -- Allison Flynn.

Placed on special consent calendar.

Senate Joint Resolution No. 0502 -- Memorials, Death -- Allen Harris, Jr.

Placed on special consent calendar.

Senate Joint Resolution No. 0503 -- Memorials, Interns -- Patti Rutledge.

Placed on special consent calendar.

Senate Joint Resolution No. 0505 -- Memorials, Retirement -- Carl K. Ross.

Placed on special consent calendar.

Senate Joint Resolution No. 0506 -- Memorials, Public Service -- Sharron Johnson.

Placed on special consent calendar.

Senate Joint Resolution No. 0507 -- Memorials, Interns -- Christopher Key.

Placed on special consent calendar.

Senate Joint Resolution No. 0508 -- Memorials, Interns -- Douglas David Himes.

Placed on special consent calendar.

Pursuant to Rule No. 50, Rep. Purcell moved that all House Resolutions, House Joint Resolutions and Senate Joint Resolutions, be adopted, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley,

Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 2718 -- Motor Vehicles -- Enacts "Motor Vehicle Safety Inspection Act of 1992"; requires public service commission to inspect all municipal/county fire department emergency response vehicles, firefighting apparatuses to determine compliance with safety laws. Amends TCA 65-15-113.

On motion, House Bill No. 2718 was made to conform with Senate Bill No. 2730.

On motion, **Senate Bill No. 2730**, on same subject, was substituted for House Bill No. 2718.

Rep. Kisber moved that **Senate Bill No. 2730** be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2730 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-15-113, is amended by adding the following new subsection:

(f)(1) The commission shall inspect each municipal or county fire department's emergency response vehicles and emergency fire fighting apparatus for compliance with the commission's safety rules and regulations. A violation under this subsection is punishable as provided in Tennessee Code Annotated, Section 65-15-122.

(2) The fee for such inspection to be collected by the commission is fifty dollars (\$50) for each vehicle inspected.

On motion, Amendment No. 1 was adopted.

At the request of Rep. Kisber, Senate Bill No. 2730, as amended, was moved to the heel of the Calendar.

***Senate Bill No. 2707** -- Transportation, Dept. of -- Establishes Transportation Equity Trust Fund as trust fund. Amends TCA, Title 67.

Having been discussed earlier, Rep. Jackson moved that **Senate Bill No. 2707** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2735 -- Contractors -- Restricts contractors from performing work in a classification other than classification for which contractor is licensed. Amends TCA 62-6-111.

Having been discussed earlier, Rep. Head moved that **House Bill No. 2735** be passed on third and final consideration.

On motion, Amendment No. 1 was adopted.

Rep. Head moved that **Amendment No. 2** be withdrawn and **Amendment No. 4** substituted, which motion prevailed.

Rep. Head moved to amend as follows:

Amendment No. 4

Amend **House Bill No. 2735** by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 62-6-111, is further amended by adding the following new subsection:

() Notwithstanding any provision of the law to the contrary, the board may issue a license to any person who establishes his competency in plumbing, electrical, heating, ventilation, or air conditioning by successfully passing a proficiency test or examination for measuring of industry expertise in such work that is administered by the board and such license shall authorize the licensee to engage in contracting in this state or any of its political subdivisions. Such licensee shall be eligible to contract for such work in any county or municipality upon exhibiting evidence of a current certificate of license to the appropriate local officials, the payment of any local licensing fees in effect on the effective date of this act, and any inspection or permit fees required by any county or municipality without such state licensee having to pass any other test or examination required by any county or municipality.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

MOTION TO RECESS

Rep. Rhinehart moved to recess until 7:45 p.m., which motion failed by the following voting:

Ayes.	24
Noes.	61
Present and not voting.	2

Representatives voting aye were: Bell, Byrd, Clark, Collier, Dixon, Givens, Haley, Hassell, Jones R (Shelby), Joyce, Kent, Kernell, King, Napier, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Shirley, Turner (Hamilton), Whitson, Williams (Shelby), Winningham -- 24.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Buck, Callicott, Chumney, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Kisber, Knight, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Sipes, Stamps, Tindell,

Tullos, Turner (Shelby), Venable, Walley, West, Windle, Wood -- 61.

Representatives present and not voting were: Bragg, Moore -- 2.

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Head renewed the motion to adopt Amendment No. 4.

Rep. Rhinehart moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes.	27
Noes.	63
Present and not voting.	2

Representatives voting aye were: Armstrong, Bell, Byrd, Clark, Collier, Dixon, Givens, Haley, Hassell, Hillis, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Napier, Phillips, Pruitt, Purcell, Rhinehart, Shirley, West, Whitson, Williams (Shelby), Wix -- 27.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Coffey, Cole, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Kisber, Liles, McAfee, McDaniel, McKee, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 63.

Representatives present and not voting were: Moore, Robinson (Hamilton) -- 2.

Thereupon, Rep. Head renewed the motion to adopt Amendment No. 4, which motion prevailed by the following vote:

Ayes.	64
Noes.	30

Representatives voting aye were: Allen, Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Coffey, Cole, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kisber, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Odom, Peroulas Draper, Pinion, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Turner (Shelby), Venable, Walley, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Armstrong, Bell, Byrd, Chumney,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Clark, Collier, DeBerry, Dixon, Givens, Haley, Hassell, Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Moore, Napier, Nuber, Phillips, Pruitt, Purcell, Rhinehart, Shirley, Tullos, Turner (Hamilton), West, Whitson, Williams (Shelby) -- 30.

MOTION TO RECESS

On motion of Rep. Purcell, the House recessed until 8:00 p.m.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 307; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1519; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2515; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 14; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 — NINETIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 846; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2460; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

Rep. Purcell moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2735 by adding the following new language to the amendatory language of the first section added by such amendment:

No county or municipality shall require the payment of any fee or fees for any service provided by the state relative to the licensing of persons pursuant to this section.

Rep. Clark moved that Amendment No. 1 to Amendment No. 3 be withdrawn, which motion prevailed.

Thereupon, Rep. Purcell renewed the motion to adopt Amendment No. 3.

Rep. Head moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ayes. 58
Noes. 34

Representatives voting aye were: Allen, Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Coffey, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Kisber, McAfee, McDaniel, Meyer, Niceley, Odom, Peroulas Draper, Pinion, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Armstrong, Bell, Byrd, Chumney, Clark, Collier, Crain, DeBerry, Dixon, Givens, Haley, Hassell, Herron, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, McKee, Moore, Napier, Nuber, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Shirley, Tullos, Turner (Hamilton), Whitson -- 34.

Rep. Robinson (Davidson) moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Clark moved to amend as follows:

Amendment No. 6

Amend House Bill No. 2735 by adding the following as a new section to precede the effective date section:

SECTION _____. Upon certification by the comptroller of the treasury, the commissioner of finance and administration shall allocate to county and municipal governments, as provided in title 9, chapter 6, part 3, amounts necessary to hold such governments harmless from losses in revenue directly arising from the implementation of the provisions of this act.

Rep. Head moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes. 53
Noes. 40

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Bragg, Buck, Chiles, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Fowlkes, Gunnels, Halteman, Hargrove, Haun, Head, Hill, Holcomb, Holt, Hubbard, Jackson, Kisber, McAfee, McDaniel, Meyer, Niceley, Odom, Peroulas Draper, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tindell, Turner (Shelby), Venable, Walley, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 53.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Representatives voting no were: Armstrong, Arriola, Bell, Byrd, Chumney, Clark, Collier, DeBerry, Dixon, Ferguson, Givens, Haley, Hassell, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, McKee, Moore, Napier, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Shirley, Tullos, Turner (Hamilton), West, Whitson, Williams (Shelby) -- 40.

Rep. Kent moved to amend as follows:

Amendment No. 7

Amend House Bill No. 2735 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 825,000 nor more than 830,000 according to the 1990 federal census or any subsequent federal census.

Rep. Head moved that Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes.	54
Noes.	31
Present and not voting.	7

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Coffey, Cole, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Kisber, McAfee, McDaniel, Meyer, Niceley, Odom, Peroulas Draper, Pinion, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Severance, Stamps, Tindell, Turner (Shelby), Venable, Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Bell, Byrd, Chumney, Clark, Collier, DeBerry, Dixon, Haley, Hassell, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, Moore, Napier, Nuber, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Shirley, Tullos, Turner (Hamilton), Whitson, Williams (Shelby) -- 31.

Representatives present and not voting were: Crain, Givens, Gunnels, Halteman, Walley, West, Winningham -- 7.

Rep. Head moved that House Bill No. 2735, as amended, be passed on third and final consideration.

Rep. McAfee moved the previous question, which motion prevailed by the following vote:

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ayes.	64
Noes.	29
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Coffey, Cole, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Kisber, McAfee, McDaniel, Meyer, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Byrd, Chiles, Chumney, Clark, Collier, Crain, DeBerry, Dixon, Givens, Haley, Hassell, Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, McKee, Moore, Napier, Nuber, Purcell, Rhinehart, Robinson (Hamilton), Shirley, Tullos, Turner (Hamilton), Williams (Shelby) -- 29.

Representatives present and not voting were: Pruitt -- 1.

Thereupon, Rep. Head moved that **House Bill No. 2735**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	72
Noes.	22

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Kisber, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Armstrong, Byrd, Chumney, Clark, Collier, DeBerry, Dixon, Haley, Hassell, Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Nuber, Purcell, Rhinehart, Shirley, Tullos, Turner (Hamilton), Williams (Shelby) -- 22.

A motion to reconsider was tabled.

House Bill No. 2329 -- Gambling -- Revises gambling law. Amends TCA 39-11-116, 39-17-505.

On motion of Rep. Herron, **House Bill No. 2329** was withdrawn from the House.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

House Bill No. 2609 -- Election Laws -- Allows counties which have more than 5 percent of territory within Great Smoky Mountain National Park to divide census blocks when establishing or altering boundaries of voting precincts. Amends TCA 2-3-102.

On motion of Rep. Davis (Cocke), **House Bill No. 2609** was withdrawn from the House.

House Bill No. 2432 -- Taxes, Real Property -- Authorizes prior state and local review of property tax incentives for economic development to uniformly determine property tax liability of new investment prospects.

On motion, **House Bill No. 2432** was made to conform with **Senate Bill No. 2418**.

On motion, **Senate Bill No. 2418**, on same subject, was substituted for **House Bill No. 2432**.

Rep. Kisber moved that **Senate Bill No. 2418** be passed on third and final consideration.

On motion, Rep. R. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2418** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	83
Noes.	7
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Bell, Davidson, Givens, Head, Windle, Winningham, Wix -- 7.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 2418 and have this statement entered in the Journal.

Rep. Joe Bell

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 2418 and have this statement entered in the Journal.

Rep. Les Winningham

REGULAR CALENDAR, CONTINUED

*House Bill No. 2244 -- Railroads -- Requires railroads to make public roads at railroad crossing level for 11, rather than ten, feet on each side of rails. Amends TCA, Title 65, Ch. 11.

On motion, House Bill No. 2244 was made to conform with Senate Bill No. 2464.

On motion, Senate Bill No. 2464, on same subject, was substituted for House Bill No. 2244.

Rep. Venable moved that Senate Bill No. 2464 be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Venable moved that Senate Bill No. 2464 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

(Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 2148 -- Taxes, Litigation -- Increases additional state litigation tax on both civil suits and criminal cases from \$6.00 to \$12.00. Amends TCA, Titles 40, 67.

Rep. Buck moved that **House Bill No. 2148** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1800 -- Sunset Laws -- Institute for African and Caribbean affairs, June 30, 1995.

PARLIAMENTARY INQUIRY

Since House Bill No. 1800 had recently failed and been re-referred to the Calendar and Rules Committee, Rep. Chiles inquired whether, under Rule No. 39, the bill was properly before the House.

RULING OF THE CHAIR

The Speaker ruled that, having not passed a resolution to adjourn sine die, it was not possible to determine whether we were in the last seven days of the session and that, as such, Rule No. 39 did not apply.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 1800 was made to conform with Senate Bill No. 1918.

On motion, **Senate Bill No. 1918**, on same subject, was substituted for House Bill No. 1800.

Rep. DeBerry moved that **Senate Bill No. 1918** be passed on third and final consideration.

Rep. DeBerry moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1918 by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-213(a), is amended by adding the following as a new

item to be appropriately designated:

() Institute for African and Caribbean affairs,
created by § 4-38-101;

On motion, Amendment No. 1 was adopted.

Rep. DeBerry moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1918 by adding the following new section to precede the effective date section:

SECTION _____. Recognizing that the financial resources of state government should be used in the most effective and efficient manner possible, the Comptroller of the Treasury is hereby directed to conduct an analysis of the activities of the Institute. This study shall include, but not necessarily be limited to, consideration and analysis of the direct and indirect economic benefits Tennessee receives from the activities of the Institute. The Comptroller shall prepare such analysis for presentation to the Speakers of the Senate and House of Representatives by February 1, 1993.

On motion, Amendment No. 2 was adopted.

Rep. DeBerry moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1918 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The institute shall prepare a report to be delivered to the members of the general assembly by February 1, 1993. Such report shall contain the following:

- (1) The attendance record of all board members;
- (2) The number of workshops, seminars, conferences and cultural programs sponsored by the institute;
- (3) The number and name of public and private organizations, profit and non-profit, with which the institute has worked to effectuate better communication regarding Africa and the Caribbean;
- (4) The number and type of trade missions and other events sponsored by the institute; and

(5) Efforts in regard to the sale and trade of Tennessee agriculture and other products to African and Caribbean nations.

On motion, Amendment No. 3 was adopted.

Rep. DeBerry moved that **Senate Bill No. 1918**, as amended, be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes.	54
Noes.	22
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), Dixon, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Head, Hillis, Holt, Jones R (Shelby), Kent, Kernell, King, Kisber, McAfee, McKee, Moore, Napier, Odom, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Allen, Anderson, Chiles, Duer, Haley, Hassell, Holcomb, Hubbard, Johnson, Joyce, Liles, McDaniel, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Shirley, Tullis, Venable, Williams (Shelby), Williams (Union), Wood -- 22.

Representatives present and not voting were: Herron, Jackson -- 2.

Rep. DeBerry moved passage of **Senate Bill No. 1918**, as amended, on third and final consideration, which motion failed by the following vote:

Ayes.	47
Noes.	33
Present and not voting.	7

Representatives voting aye were: Armstrong, Arriola, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Givens, Gunnels, Head, Hillis, Holt, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, McDaniel, McKee, Moore, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Wix, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Allen, Anderson, Bittle, Bivens, Callicott, Chiles, Curlee, Duer, Halteman, Hassell, Herron, Holcomb, Hubbard, Johnson, Joyce, Kent, Liles, McAfee, Niceley,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Nuber, Odom, Peroulas Draper, Pinion, Rinks, Robinson (Washington), Severance, Shirley, Stamps, Tullos, Venable, Williams (Union), Winningham, Wood -- 33.

Representatives present and not voting were: Fowlkes, Haley, Hargrove, Jackson, Meyer, Napier, Tindell -- 7.

Pursuant to **Rule No. 39**, Senate Bill No. 1918, having failed to receive a Constitutional majority, was re-referred to the Calendar and Rules Committee.

House Bill No. 2128 -- Health -- Creates select committee on health care of ten members, at least two from each finance and general welfare committee; provides duties relative to comprehensive plans and provisions so each Tennessean can obtain equal quality and affordable health care.

Rep. Jackson moved that **House Bill No. 2128** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2379 -- State Prisoners -- Requires inmate to pay incarceration cost; gives credit as work time time spent attending school; permits department to retain up to 80 percent of net wages to defray cost of incarceration, upon release, must provide accounting; allows process for inmate to avoid such obligation. Amends TCA, Titles 40, 41.

On motion, House Bill No. 2379 was made to conform with Senate Bill No. 2270.

On motion, **Senate Bill No. 2270**, on same subject, was substituted for House Bill No. 2379.

Rep. Davis (Knox) moved that **Senate Bill No. 2270** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2270 by deleting Sections 3, 4 and 5 in their entirety and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 41-21-207, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) The work of convicts shall be generally six (6) hours per day during regular work days throughout the year, and the number of hours to be worked in the different seasons of the year shall be regulated by the commissioner of correction.

SECTION 4. Tennessee Code Annotated, Title 41, Chapter 21, Part 2, is amended by adding the following as a new section to be designated accordingly:

(a) The commissioner of correction is authorized to assess non-indigent inmates reasonable charges for the housing, board, health care, education, vocational training and treatment services provided to them by the state of Tennessee. The inmate shall be notified of the amount of any such assessment.

(b) The charges assessed against an inmate pursuant to subsection (a) of this section may be deducted directly from the inmate's institutional trust fund account without the inmate's consent, provided that the inmate is notified of the amount so deducted and the charges to which it has been applied.

SECTION 5. Tennessee Code Annotated, Section 41-22-116 is amended by deleting the first and second sentences of subsection (e) in their entirety and substituting instead the following:

The commissioner of correction is authorized to develop joint ventures with private sector businesses upon such terms and conditions as the commissioner may deem to be in the best interest of the state. Such ventures shall operate pursuant to the Private Sector Prison Industry Enhancement Certification Program (PS/PIEC), (P.L. 96-157, as amended), and in accordance with Tennessee Code Annotated, Sections 41-6-204, 41-6-205(a), 41-6-205(c), 41-6-206 and 41-6-207. Provided, however, Tennessee Code Annotated, Section 41-6-205(b) shall also apply to ventures in which inmates are employed by private industries.

SECTION 6. This act shall take effect on July 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Knox) moved that **Senate Bill No. 2270**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Pruitt -- 1.

A motion to reconsider was tabled.

House Bill No. 2165 -- Fees -- Increases clerks' fees as follows: issuing garnishment, from \$2.00 to \$8.50; receiving taxes, fees, etc., from 5 to 10 percent; criminal case of record, flat fee from \$147 to \$175; deferred payment fee from 5 to 10 percent, not to exceed \$250. Amends TCA 8-21-401.

Further consideration of House Bill No. 2165, previously considered on April 28, 1992, at which time Amendment No. 1 was adopted, the bill failed for lack of a Constitutional majority and was re-referred to the Calendar and Rules Committee. On April 29, the Calendar and Rules Committee placed the bill on the Calendar for April 30, 1992.

On motion, House Bill No. 2165 was made to conform with Senate Bill No. 1689.

On motion, **Senate Bill No. 1689**, on same subject, was substituted for House Bill No. 2165.

Rep. King moved that **Senate Bill No. 1689** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	59
Noes.	17
Present and not voting.	8

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holt, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Knight, Liles, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Venable, Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Bittle, Byrd, Chiles, Jackson, Kent, McAfee, McDaniel, Niceley, Nuber, Peroulas Draper,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Phillips, Rhinehart, Stamps, West, Windle, Wood -- 17.

Representatives present and not voting were: Haun, Holcomb, Hubbard, Johnson, Robinson (Washington), Tullos, Turner (Shelby), Williams (Union) -- 8.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to present not voting on Senate Bill No. 1689 and have this statement entered in the Journal.

Rep. Charlie Severance

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 1689 and have this statement entered in the Journal.

Rep. Shirley Duer

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1689 and have this statement entered in the Journal.

Rep. Zane Whitson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1689 and have this statement entered in the Journal.

Rep. Floyd Crain

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1689 and have this statement entered in the Journal.

Rep. Dennis Ferguson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to present not voting on Senate Bill No. 1689 and have this statement entered in the Journal.

Rep. Billy Rigsby

REGULAR CALENDAR, CONTINUED

House Bill No. 1081 -- Criminal Offenses -- Reclassifies certain misdemeanor offenses. Amends Chapter 591, Public Acts of 1989.

On motion, House Bill No. 1081 was made to conform with Senate Bill No. 597.

On motion, **Senate Bill No. 597**, on same subject, was substituted for House Bill No. 1081.

Rep. Dixon moved that **Senate Bill No. 597** be passed on third and final consideration.

Rep. Dixon moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 597 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-135 is amended by deleting current subsection (b) and substituting instead the following new subsection:

(b) A violation of this section is a Class C felony.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Dixon moved that **Senate Bill No. 597**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McKee, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Duer -- 1.

A motion to reconsider was tabled.

***House Bill No. 2829** -- Naming and Designating -- "Tennessee" by Vivian Rorie, official state song. Amends TCA 4-1-302.

Rep. Knight moved that House Bill No. 2829 be passed on third and final consideration.

On motion of Rep. Purcell, Rep. Ridgeway was added as a sponsor.

Rep. Purcell moved the previous question, which motion prevailed.

Rep. Knight moved that **House Bill No. 2829** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	83
Noes.	1
Present and not voting.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Chiles -- 1.

Representatives present and not voting were: Callicott, Holcomb, Hubbard, Liles, Robinson (Hamilton), Venable -- 6.

A motion to reconsider was tabled.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

***Senate Joint Resolution No. 0399** -- Constitutional Amendments
-- Authorizes constitutional amendment to be on ballot for regular November election; requires simple majority to ratify.

Further discussion of Senate Joint Resolution No. 399, previously considered on April 22, 1992, at which time it passed First Reading, and April 23, 1992, at which time it passed Second Reading and was reset to the Calendars for April 28 and April 30, 1992.

On motion of Rep. Kernell, Senate Joint Resolution No. 399 was held on the Clerk's desk.

House Bill No. 0960 -- Financial Disclosure -- Requires certain candidates and officials to disclose certain information to the registry of election finance. Amends TCA, Title 8, Ch. 50, Pt. 5.

Rep. Williams (Shelby) moved that **House Bill No. 960** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1965 -- Equalization Board -- Authorizes state board of equalization to impose \$10 filing fee on appeals to it and additional \$20 fee for appeals made from initial decisions of administrative judges to full board. Amends TCA 67-5-1514.

On motion, House Bill No. 1965 was made to conform with Senate Bill No. 1653.

On motion, **Senate Bill No. 1653**, on same subject, was substituted for House Bill No. 1965.

Rep. Kisber moved that **Senate Bill No. 1653** be passed on third and final consideration.

On motion, Rep. R. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Haley moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1653 by deleting Section 3 in its entirety and substituting instead the following:

Section (3). The act shall take effect on January 1, 1993.

On motion, Amendment No. 2 was adopted.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 1653 by adding the following language at the end of the amendatory language of Section 1:

If any taxpayer shall prevail in any appeal or withdraw any appeal, all filing fees applicable to such appeal shall be refunded to the taxpayer.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved that **Senate Bill No. 1653**, as amended, be passed on third and final consideration.

At the request of Rep. Kisber, Senate Bill No. 1653 was moved to the heel of the Calendar.

House Bill No. 1000 -- Ethics -- Prohibits acceptance of honoraria by public officials and employees. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6.

Rep. Jackson moved that **House Bill No. 1000** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2404 -- Juries and Jurors -- Removes voter registration list as source of juror names; requires persons exempt from jury service based on occupational exemption, after receiving summons, to notify clerk what 30 day period during next 12 months will be able to serve. Amends TCA, Title 22.

Rep. Hargrove moved that **House Bill No. 2404** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2530 -- Taxes, Real Property -- Provides that persons residing outside of Davidson County may request and receive copies of public documents in possession of the state board of equalization; provides for payment of the cost of reproducing and mailing or telecopying such copies. Amends TCA, Title 67, Ch. 5, Pt. 15.

On motion, House Bill No. 2530 was made to conform with Senate Bill No. 2501.

On motion, **Senate Bill No. 2501**, on same subject, was substituted for House Bill No. 2530.

Rep. U. Jones moved that **Senate Bill No. 2501** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2501 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-1513 is amended by adding the following language as a new, appropriately designated subsection:

() Any state citizen may request copies of any public records or documents in the possession of the state board of equalization and such records or documents shall be promptly sent by first class mail or, at the request of the citizen, by telecopier to the citizen making such request and such citizen shall pay to the board the reasonable costs of reproducing and transmitting such copies.

Section 2. This act shall take effect upon becoming a law the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 2501 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 67-5-1501, is amended by substituting the words and figures "ninety (90)" for the words and figures "forty-five (45)" in the first sentence of subsection (c).

AND FURTHER AMEND by substituting the words "upon becoming law" for the words "on July 1, 1992" in Section 2.

On motion, Amendment No. 2 was adopted.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 2501 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 67-5-1514(c)(3), is amended by deleting the first and second sentences thereof and substituting instead the following new sentence:

(3) Where the primary issue of any complaint, protest or appeal pertains to those grounds as provided in Section 67-5-1407, any person who possesses a state certified general real estate appraiser's license as provided in Tennessee Code Annotated, Title 62, Chapter 39, or a resident certified public accountant and who further has been awarded the designation of Tennessee Certified Assessor as awarded by the board or has successfully completed the Tennessee certified assessor examination as administered by the board.

Section _____. Persons registered with the board prior to passage of this act shall have until July 1, 1993, to meet the requirements of this act.

Section _____. Nothing in this act is intended to require that any person must be a certified general appraiser, attorney, certified public accountant, registered agent or otherwise in order to act as an agent before the county boards of equalization.

Section _____. Tennessee Code Annotated, Section 67-5-1514(f)(1), is amended by deleting from the first sentence the language "shall pay an annual fee for such registration as may be established by the board, which" and by substituting instead the language "the board".

Section _____. Tennessee Code Annotated, Section 67-5-1514(f), is amended by adding the following new subdivision:

() Each registered agent shall pay an annual fee of one hundred dollars (\$100).

Section _____. Tennessee Code Annotated, Section 67-5-1511(b), is amended by deleting the language "shall be a de novo appeal" and substituting instead the new language "shall be a new hearing de novo".

Section _____. Any "appraisal", "appraisal report", or "valuation appraisal" as defined in Tennessee Code Annotated, Section 62-39-102, of any property appraised by any assessor in excess of one million dollars (\$1,000,000) made in behalf of any owner or taxpayer before any board of equalization, assessment authority, assessor, or agency shall be performed only by an agent registered in accordance with the provisions of this section or by a state certified general appraiser as provided in Tennessee Code Annotated, Title 62, Chapter 39.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. U. Jones moved that **Senate Bill No. 2501**, as

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Venable -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 2730 -- Motor Vehicles -- Enacts "Motor Vehicle Safety Inspection Act of 1992"; requires public service commission to inspect all municipal/county fire department emergency response vehicles, firefighting apparatuses to determine compliance with safety laws. Amends TCA 65-15-113.**

Having been discussed earlier, Rep. Kisber moved that **Senate Bill No. 2730**, as amended, be passed on third and final consideration.

Rep. Kisber moved to take up Amendment No. 9 out of order, which motion prevailed.

Rep. Purcell moved to amend as follows:

Amendment No. 9

Amend Senate Bill No. 2730 by adding the following language at the end of the amendatory language of Section 1:

If a local government has in place a safety inspection program for its fire department's emergency response vehicles and emergency fire fighting apparatus which is at least as stringent as standards developed by the public service commission, such local government shall have the option of operating and enforcing its own program upon a determination of the public service commission that the

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

program of such local government meets or exceeds the standards developed by the public service commission. The public service commission shall annually review the program of the local government for compliance with such requirements.

Rep. Odom moved the previous question, which motion prevailed.

On motion, Amendment No. 9 was adopted.

Rep. Kisber moved to take up Amendment No. 10 out of order, which motion prevailed.

Rep. Severance moved to amend as follows:

Amendment No. 10

Amend Senate Bill No. 2730 by adding the following language at the end of the amendatory language of Section 1:

There is hereby created an advisory committee to the Public Service Commission which shall be responsible for developing the minimum standards under this Act. The Committee shall be composed of the following members:

- 1) One (1) representative of the Tennessee Municipal League;
- 2) One (1) representative of the Tennessee County Services Association;
- 3) One (1) representative of the Tennessee Fire Chiefs Association;
- 4) One (1) representative of the Tennessee Professional Firefighters Association; and
- 5) One (1) member of the State Emergency Medical Services Board.

Rep. Rhinehart moved the previous question, which motion prevailed.

On motion, Amendment No. 10 was adopted.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.	30
Noes.	45
Present and not voting.	5

Representatives voting aye were: Armstrong, Arriola, Bell,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Byrd, Clark, Cole, Collier, Cross, Curlee, Davis (Knox), Ferguson, Halteman, Hargrove, Hassell, Herron, Hillis, Moore, Napier, Odom, Phillips, Pinion, Purcell, Rigsby, Robinson (Hamilton), Tindell, Turner (Shelby), West, Winningham, Wix, Wood -- 30.

Representatives voting no were: Allen, Bittle, Bivens, Buck, Callicott, Chiles, Chumney, Copeland, Crain, Davidson, Davis (Gibson), DeBerry, Duer, Fowlkes, Givens, Gunnels, Haley, Haun, Head, Hill, Holcomb, Holt, Hubbard, Jackson, Johnson, Joyce, Kent, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Rinks, Robinson (Davidson), Robinson (Washington), Shirley, Tullis, Turner (Hamilton), Venable, Walley, Whitson, Williams (Union), Windle -- 45.

Representatives present and not voting were: Bragg, Kernell, Knight, Severance, Stamps -- 5.

Rep. McAfee moved to take up Amendment No. 19 out of order, which motion prevailed.

Rep. McAfee moved to amend as follows:

Amendment No. 19

Amend Senate Bill No. 2730 by deleting the effective date section and substituting instead the following:

This act shall take effect on January 1, 1993, the public welfare requiring it.

On motion, Amendment No. 19 was adopted.

Rep. Bivens moved that **Senate Bill No. 2730** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2531 -- Equalization Board -- Requires statement of authority from one who is appealing to state board of equalization. Amends TCA, Title 67.

On motion, House Bill No. 2531 was made to conform with Senate Bill No. 2460.

On motion, **Senate Bill No. 2460**, on same subject, was substituted for House Bill No. 2531.

Rep. U. Jones moved that **Senate Bill No. 2460**, as amended, be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2460 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-1412, is amended by adding the following language as a new, appropriately designated subsection:

() Prior to any conference or hearing at the state board of equalization, an agent shall submit to the board a statement signed by the taxpayer or party represented which indicates that the agent is authorized to represent the taxpayer or party and further indicates the taxpayer's or party's interest in the property under appeal.

On motion, Amendment No. 1 was adopted.

Rep. Crain moved that **Amendment No. 2** be withdrawn, which motion prevailed.

Rep. U. Jones moved that **Senate Bill No. 2460**, as amended, be passed on third and final consideration.

At the request of Rep. U. Jones, **Senate Bill No. 2460** was moved to the heel of the Calendar.

House Bill No. 2470 -- Medicare and Medicaid -- Increases penalty for Medicaid fraud to Class C felony. Amends TCA, Titles 38, 39, 71.

On motion of Rep Herron, **House Bill No. 2470** was withdrawn from the House.

***Senate Bill No. 1653** -- Equalization Board -- Authorizes state board of equalization to impose \$10 filing fee on appeals to it and additional \$20 fee for appeals made from initial decisions of administrative judges to full board. Amends TCA 67-5-1514.

Having been discussed earlier, Rep. Kisber moved that **Senate Bill No. 1653** be passed on third and final consideration.

Rep. Copeland moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 1653 by deleting subparts (2) and (3) from the language added by Senate Amendment 7 and substituting instead the following:

(2) Appeals filed by assessors or governmental entities.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

On motion, Amendment No. 4 was adopted.

Rep. Kisber moved that **Senate Bill No. 1653** be passed on third and final consideration.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Kisber moved passage of **Senate Bill No. 1653**, as amended, on third and final consideration, which motion failed by the following vote:

Ayes.	29
Noes.	57
Present and not voting	3

Representatives voting aye were: Anderson, Bragg, Buck, Chumney, Coffey, Crain, Davis (Gibson), Dixon, Fowlkes, Haley, Head, Herron, Hillis, Holt, Jones R (Shelby), Kernell, Kisber, Knight, Napier, Pinion, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Winningham, Wix, Wood -- 29.

Representatives voting no were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Byrd, Callicott, Chiles, Cole, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, King, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Robinson (Washington), Severance, Shirley, Sipes, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Mr. Speaker Naifeh -- 57.

Representatives present and not voting were: Collier, Stamps -- 2.

Pursuant to Rule No. 63, having received a Constitutional majority in the negative, the Speaker entertained a motion to reject **Senate Bill No. 1653**. Hearing none, the Speaker referred **Senate Bill No. 1653** to the Calendar and Rules Committee.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on **Senate Bill No. 1653** and have this statement entered in the Journal.

Rep. Calvin Moore

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 2460** -- Equalization Board -- Requires statement of authority from one who is appealing to state board of equalization. Amends TCA, Title 67.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Having been considered earlier, Rep. U. Jones moved that **Senate Bill No. 2460** be referred to the Calendar and Rules Committee, which motion prevailed.

**MESSAGE FROM SENATE
April 30, 1992**

MR. SPEAKER: I am directed to request the return of House Bill No. 2548, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

BILL RETURNED

There being no objection, Rep. DeBerry asked the Clerk to return House Bill No. 2548 to the Senate, as requested.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill No. 476.

The Speaker appointed a Conference Committee composed of Senators Patten, Crowe and Burks to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 476.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2536; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2821; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. J. K. Davis asked that the Clerk be directed to request the return of Senate Bill No. 2270 from the Senate.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2270, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2554.

The Senate concurred in House Amendment(s) No(s). 2, and nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 509, 510, 511 and 512; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0509 -- Memorials, Recognition and Thanks -- Office of Legal Services, Office of Legislative Services and Office of Legislative Administration. by *McNally.

Senate Joint Resolution No. 0510 -- Memorials, Public Service -- Fred Lockett. by *Crowe.

Senate Joint Resolution No. 0511 -- Memorials, Public Service -- Bill and Ima Justis. by *Crowe.

Senate Joint Resolution No. 0512 -- Memorials, Recognition and Thanks -- Robert T. Dennis and Robert E. Henry. by *Crowe.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2519; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2357; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill No. 2548.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 0014** -- Election Laws -- Prohibits conversion of campaign funds to personal use; expands requirements for conflict of interest disclosure statements. Amends TCA, Title 2, Ch. 10; Title 8, Ch. 50, Pt. 5.

Senate Amendment No. 2

AMEND House Bill No. 14 by deleting from Section 1(a) the language "one (1) of the following" and by substituting instead the language "one (1) or a combination of the following".

AND FURTHER AMEND by deleting from Section 1(a) subdivision (5) and by substituting instead the following:

(5) The funds may be distributed to any organization described in 26 United States Code Section 170(c).

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

AND FURTHER AMEND by deleting from Section 1(a) subdivision (7) and by substituting instead the following:

(7) The funds may be used to defray any ordinary and necessary expenses incurred in connection with the office of the officeholder. Such expenses may include, but are not limited to, the cost of advertisements, membership fees, and donations to community causes.

AND FURTHER AMEND by adding to Section 1(b) at the beginning of the first sentence the language "Except as provided in subsection (a)".

AND FURTHER AMEND by deleting from Section 4 the language "July 1, 1991" and by substituting instead the language "January 1, 1993".

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 14**, which motion prevailed by the following vote:

Ayes.	90
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. DeBerry moved to lift from the table the motion to reconsider House Bill No. 2482, which motion prevailed.

***House Bill No. 2482 -- Day Care -- Enacts "Prescribed Child Care Center Regulatory Act of 1992". Amends TCA, Titles 4, 68, 71.**

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Rep. DeBerry moved to reconsider our action in passing House Bill No. 2482, which motion prevailed.

On motion, the House reconsidered its action in concurring in Senate Amendments Nos. 1 and 2. On motion, the House moved to nonconcur in Senate Amendments Nos. 1 and 2 to House Bill No. 2482.

MOTION TO RECONSIDER

Rep. DeBerry moved to reconsider action on House Bill No. 1950, which motion prevailed.

***House Bill No. 1950** -- Education -- Imposes administrative penalty of \$50.00 on principals who do not promptly undertake good faith efforts to notify parents and superintendents of suspension. Amends TCA, Title 49.

On motion, the House reconsidered its action in nonconcurring in Senate Amendment No. 1. On motion, Senate Amendment No. 1 to House Bill No. 1950 was concurred in by the following vote:

Ayes.	87
Noes.	0
Present and not voting	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: Callicott, Joyce, Venable -- 3.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. DeBerry moved to lift from the table the motion to reconsider Senate Bill No. 2270, which motion prevailed.

***Senate Bill No. 2270** -- State Prisoners -- Requires inmate to pay incarceration cost; gives credit as work time time spent attending school; permits department to retain up to 80 percent of

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

net wages to defray cost of incarceration, upon release, must provide accounting; allows process for inmate to avoid such obligation. Amends TCA, Titles 40, 41.

Rep. DeBerry moved to reconsider action in passing Senate Bill No. 2270, which motion prevailed.

Rep. DeBerry moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2270 by adding the following new subsection to Section 4 added by House Judiciary Committee Amendment 1:

() The commissioner of correction shall, on a quarterly basis, provide each inmate with a statement detailing all deposits into, withdrawals from and balance remaining in such inmate's institutional trust fund account during the preceding three (3) months.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. DeBerry moved that Senate Bill No. 2270, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Pruitt -- 1.

Representatives present and not voting were: Callicott -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 0126 -- Welfare --** Makes misuse of names of persons receiving old age assistance Class B misdemeanor. Amends TCA, Title 71.

Senate Amendment No. 1

Amend House Bill No. 126 by deleting the effective date section and substituting instead the following:

SECTION _____. This act shall take effect on July 1, 1992, the public welfare requiring it.

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 126**, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 2548 -- Cosmetology -- Revises Tennessee Cosmetology Act of 1986. Amends TCA, Title 62, Ch. 4.

Senate Amendment No. 2

Amend House Bill No. 2548 by deleting Section 7 in its entirety.

Rep. DeBerry moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2548**, which motion prevailed by the following vote:

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ayes.	84
Noes.	0
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives present and not voting were: Chiles, Davidson, Hassell, Joyce, Rigsby -- 5.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to yes on the motion to concur in Senate Amendment No. 2 to House Bill No. 2548 and have this statement entered in the Journal.

Rep. Billy Rigsby

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to yes on the motion to concur in Senate Amendment No. 2 to House Bill No. 2548 and have this statement entered in the Journal.

Rep. Joyce B. Hassell

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 0307 -- Bond Issues --** Authorizes \$50 million bond issue to fund state projects.

Senate Amendment No. 1

Amend House Bill No. 307 by deleting from Section 1 of the

bill the words and figures "fifty million dollars (\$50,000,000)" and by substituting instead the words and figures "forty-two million, three hundred fifty thousand dollars (\$42,350,000)".

And to further amend the bill by deleting the existing section 4, and substituting instead the following:

SECTION 4. The proceeds of any and all issues of bonds herein authorized shall be allocated for the purpose and the amounts hereinafter specified.

(1) Twenty-five million, seven hundred fifty thousand dollars (\$25,750,000) to the Tennessee Board of Regents of the State University and Community College System to be allocated and expended for the purpose of acquisition of equipment, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvement, betterments, and extraordinary repairs to existing structures.

(2) Ten million dollars (\$10,000,000) to the Board of Trustees of The University of Tennessee to be allocated and expended for the purpose of acquisition of equipment, and erection, construction and equipment of sites and building, expressly including the acquisition of existing structures for expansion, improvement, betterments, and extraordinary repairs to existing structures.

(3) Six million, six hundred thousand dollars (\$6,600,000) to the Department of Finance and Administration to be allocated and expended for the purpose of acquisition of equipment, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvement, betterments, and extraordinary repairs to existing structures.

And to further amend the bill by adding the following sentence as section 10 and to renumber the remaining sections accordingly:

SECTION 10. Notwithstanding any other provision of this act to the contrary, the bonds and bond anticipation notes authorized by this act may be designated "college savings bonds" and be issued pursuant to the provision of the Baccalaureate Education Savings for Tennessee Act, Chapter 190, Public Acts of 1989.

Rep. Bragg moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 307, which motion prevailed by the following vote:

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Ayes.	85
Noes.	0
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Nuber, Robinson (Washington), Venable -- 3.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Stamps moved to lift from the table the motion to reconsider Senate Bill No. 374, which motion prevailed.

Senate Bill No. 0374 -- Hospitals and Health Care Facilities -- Restructures membership of board for licensing health care facilities. Amends TCA 68-11-203.

Rep. Stamps moved to reconsider action in passing Senate Bill No. 374, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Stamps moved that **Senate Bill No. 374** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tulos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Hubbard -- 1.

A motion to reconsider was tabled.

House Bill No. 0846 -- Traffic Safety -- Revises certain time periods under Motor Vehicle Habitual Offenders Act. Amends TCA, Title 55, Ch. 10, Pt. 6.

Senate Amendment No. 5

Amend Section 2 by deleting "1991" and substituting "1992"

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 5 to **House Bill No. 846**, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Haltzman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tulos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. King moved to lift from the table the motion to reconsider

Senate Bill No. 1892, which motion prevailed.

***Senate Bill No. 1892** -- Sunset Laws -- Board of examiners for architects and engineers, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 62, Ch. 2.

Rep. King moved to reconsider action in passing Senate Bill No. 1892, which motion failed by the following vote:

Ayes.	46
Noes.	38
Present and not voting.	3

Representatives voting aye were: Armstrong, Arriola, Bivens, Byrd, Chumney, Clark, Coffey, Cole, Collier, DeBerry, Dixon, Ferguson, Haley, Halteman, Hargrove, Herron, Hill, Hillis, Hubbard, Jones R (Shelby), Jones U (Shelby), Kent, King, Knight, McAfee, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pruitt, Purcell, Rinks, Robinson (Hamilton), Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Windle, Winningham -- 46.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Bragg, Buck, Callicott, Chiles, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Givens, Gunnels, Hassell, Haun, Head, Holcomb, Holt, Johnson, Liles, McDaniel, McKee, Meyer, Moore, Pinion, Rigsby, Robinson (Davidson), Robinson (Washington), Sipes, Whitson, Williams (Union), Wix, Wood -- 38.

Representatives present and not voting were: Jackson, Rhinehart, Severance -- 3.

Thereupon, Rep. King moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 4 to Senate Bill No. 1892, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1519 -- Cocke County -- Confers mental health commitment jurisdiction upon general sessions court. Amends Chapter 316, Private Acts of 1953, as amended.

Senate Amendment No. 1

Amend House Bill No. 1519 by adding the following as a new Section 2 to the original bill and by renumbering the remaining Sections accordingly:

SECTION 2. Chapter 316 of the Private Acts of 1953, and all acts amendatory thereto is amended by adding the following at the end of Section 7:

Notwithstanding the provisions of this section, whenever the court is exercising mental health

commitment jurisdiction, the judge presiding over such proceedings must be a lawyer, consistent with the requirements for the judges vested generally with this jurisdiction under Tennessee Code Annotated, Section 33-3-603 and Tennessee Code Annotated, Section 33-7-301(b). Where the judge is not a lawyer, then a lawyer referee must be appointed to preside over a mental health commitment proceeding.

To exercise mental health commitment jurisdiction means that the court will deprive liberty for an indeterminate length of time in such procedures as (1) civil commitment under Tennessee Code Annotated, Section 33-6-104 and related procedural statutes; (2) commitment of persons charged with crimes and found incompetent to stand trial under Tennessee Code Annotated, Section 33-7-301(b); and (3) commitment of juveniles to the temporary legal custody of the Department of Mental Health and Mental Retardation under Tennessee Code Annotated, Section 33-3-203.

Rep. Davis (Cocke) moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1519**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Bivens moved to lift from the table the motion to reconsider Senate Bill No. 2194, which motion prevailed.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

***Senate Bill No. 2194** -- Landlord and Tenant -- Expands application of Residential Landlord and Tenant Act to 14 largest counties instead of four largest counties. Amends TCA 66-28-102.

Rep. Bivens moved to reconsider action in passing Senate Bill No. 2194, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 5. On motion, Amendment No. 5 was withdrawn.

Thereupon, Rep. Bivens moved that **Senate Bill No. 2194**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Haltman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Bragg, Liles -- 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2357** -- District Attorneys -- Provides that assistant district attorneys general employed between June 30, 1980 and June 30, 1989, receive equal compensation with such assistants employed after June 30, 1989. Amends TCA 8-7-201.

Senate Amendment No. 1

Amend House Bill No. 2357 by deleting all language after the enacting clause and by substituting in lieu thereof [sic] the following:

Section 1. TCA, Section 8-7-201(d) is amended by deleting subsection [sic] (c) (1) in its entirety and renumbering subparts (2) and (3) of such subsection accordingly.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Section 2. Tennessee Coded Annotated, Section 8-7-102, is further amended by deleting from te [sic] first sentence of subsection (d) the date "June 30, 1989" and substituting instead the date "January 1, 1989".

Section 3. This act shall take effect on July 1, 1992, the publice [sic] welfare requiring it.

Rep. Cole moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2357**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2460 -- Custody and Support -- Prohibits change of child custody at child's school. Amends TCA, Title 36, Ch. 6.

Senate Amendment No. 1

Amend House Bill No. 2460 by deleting the amendatory language of SECTION 1 and substituting instead the following:

No school official shall permit a change in the physical custody of a child at such official's school or day care center unless:

(a) The person seeking custody of the child presents the school official with a certified copy of a valid court order from a Tennessee court placing custody of such child in such person; and

(b) The person seeking custody gives the school official reasonable advance notice of his or her intent to take custody of such child at such

official's school or day care center.

Rep. Williams (Union) moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2460**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2515 -- Public Defenders -- Removes restriction that number of district public defenders and investigators be equivalent to one-half number of assistant district attorneys general and investigators; allows determination by judicial council. Amends TCA, Titles 8, 16, 23, 40.

Senate Amendment No. 3

Amend House Bill No. 2515 by deleting in Section 1 the amendatory language of subsection (f).

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2515**, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harriell, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby),

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Senate Amendment No. 2

Amend House Bill No. 2515 by deleting Sections 5 and 6 of the bill, as amended, and the first sentence of Section 8, as amended.

Rep. Purcell moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 2515**, which motion prevailed.

House Bill No. 2519 -- Workers' Compensation -- Authorizes commissioner of labor to appoint advisory committee. Amends TCA, Title 4, Ch. 29; Title 50, Ch. 6.

Senate Amendment No. 14

Amend House Bill No. 2519 as amended by amendment no. 1 and subsequent amendments by inserting the following new section between the section establishing the severability clause and the previous section and renumbering subsequent sections accordingly:

SECTION _____. The provisions of this Act are optional for counties, municipal corporations, and their departments and divisions. Any county, municipal corporation, or their departments or divisions that have accepted the Workers' Compensation law may, after approval of the governing body of the county or municipal corporation, choose not to come under the provisions of this Act by filing written notice with the workers' compensation division of the department of labor, at least thirty (30) days before the happening of any accident or death, and may choose to accept after choosing not to come under this Act by giving like notice of acceptance after approval by the governing body. If a county, municipal corporation, or their departments or divisions do not choose to be governed by this Act, the workers' compensation law as it existed before this Act became law shall govern. The Code Commission is directed to codify this Act to make it clear which provisions are optional for local governmental entities and what law is applicable if they do not accept the provisions of this Act. For the purpose of allowing counties, municipalities, and their departments and divisions to choose to accept or not accept this Act, this Section shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 15

AMEND House Bill No. 2519 by inserting the language "Section 16(a)2 or" between the word "under" and the language "Section 16(b)" in the first sentence of the amendatory language of Section 18.

AND FURTHER AMEND by deleting in the second sentence of Section 18 the language "by clear and convincing".

Senate Amendment No. 33

Amend House Bill No. 2519 as follows:

Amend Section 9(b)(1)

NEW Section (F) a citizen at large

NEW section (a) one member shall be a member of a minority and one to be a woman. Such nominee cannot be both.

Senate Amendment No. 32

Amend House Bill No. 2519 by amending amendment No. 31 by inserting the following language after the words and numbers "sixty (60)" the following: "regardless of the age of the employee,"

Senate Amendment No. 31

AMEND House Bill No. 2519, as amended, in the amendatory language of SECTION 2 by adding at the end of the unnumbered item beginning "Utilization review" between the word "provided" and the punctuation ";" the following language:

"provided, however, 'utilization review' shall not include the establishment of approved payment levels or a review of medical charges or fees".

AND FURTHER AMEND in the amendatory language in SECTION 3 by deleting the following language from subdivision (4):

", or for ensuring health care providers' compliance with Tennessee Code Annotated, Section 50-6-204(a)(4)".

AND FURTHER AMEND in the subdivision (5) of the amendatory language in SECTION 3 by deleting the language ", or for charging amounts found to be excessive; and" and by substituting instead the punctuation ";".

AND FURTHER AMEND in the amendatory language in SECTION 3 by deleting the punctuation "." at the end of subdivision (6) and by adding the following new language at the end of subdivision (6):

; and

(7) Rules and regulations to ensure health care providers' compliance with Tennessee Code Annotated, Section 50-6-204(a)(4), and rules and regulations to provide an appeal procedure for a health care provider who has had payment withheld for charging amounts found to be excessive, provided, however, that no such rule promulgated pursuant to this subdivision shall be filed with the secretary of state after approval by the attorney general and reporter, pursuant to Tennessee Code Annotated, Sections 4-5-207 and 4-5-211, unless also approved by the medical care and cost containment committee established by SECTION 9 of this act.

AND FURTHER AMEND by deleting from subsection (e) of the amendatory language of SECTION 8 the words "to have imposed excessive charges or " and the words and punctuation ", or payment of excessive charges".

AND FURTHER AMEND in the subsection (e) of the amendatory language of SECTION 8 by inserting the words "excessive or" between the words "rendered" and "inappropriate".

AND FURTHER AMEND by deleting SECTION 9 and substituting in lieu thereof the following:

SECTION 9. Tennessee Code Annotated, Title 50, Chapter 6, is amended by adding the following new section to be appropriately designated:

SECTION _____. (a) On or before September 1, 1992, the commissioner of labor shall appoint a "Medical Care and Cost Containment Committee". The committee shall approve regulations pursuant to subdivision (7) of SECTION 3 of this act before they become effective, assist the commissioner in their implementation, and advise the commissioner at the commissioner's request on issues relating to medical care and cost containment in the workers' compensation system.

(b)(1) The committee shall be composed of eight (8) voting members appointed by the commissioner as follows:

(A) Three (3) members shall be physicians licensed to practice medicine and surgery under Tennessee Code Annotated, Title 63, Chapter 6, and shall be appointed from a list of nominees submitted by the Tennessee Medical Association;

(B) One (1) member shall represent employers and shall be appointed from a list of nominees submitted by the Tennessee

Association of Business;

(C) One (1) member shall represent employers and shall be appointed from a list of nominees submitted by the Associated Builders and Contractors, Inc.;

(D) Two (2) members shall represent employees and shall be appointed from a list of nominees submitted by the Tennessee AFL-CIO State Labor Council; and

(E) One (1) member shall be a hospital administrator or a hospital employee and shall be appointed from a list submitted by the Tennessee Hospital Association.

The medical director shall serve as a non-voting ex-officio member of the committee.

(2) An organization which submits a list of nominees shall list at least three (3) nominees for each of the committee positions for which it is requested to submit nominations. If the commissioner finds a list of nominees unsatisfactory, the commissioner shall return the list to the submitting organization. The organization shall submit another list within thirty (30) days. This process shall continue until the commissioner appoints a member. If an organization which is required to submit a list of nominees fails to do so within thirty (30) days of a request for such list by the commissioner, then the commissioner may appoint a member of his or her own choosing.

(3) In making such appointments the commissioner shall strive to achieve a geographic balance and, in the case of the physician members of the committee, shall assure to the extent possible that the membership of the committee reflects the diversity of specialties involved in the medical treatment and management of workers' compensation claimants.

(c) The members of the committee shall be appointed for terms of four (4) years. In order to provide staggered terms, in making the initial appointments to the committee: one (1) of the physicians and one (1) of the representatives of employees shall be appointed to an initial term of four (4) years; one (1) of the physicians and one (1) of the representatives of the employers shall be appointed to an initial term of three (3) years; one

(1) of the physicians and one (1) of the representatives of employees shall be appointed for an initial term of two (2) years; and one (1) of the representatives of employers and the representative of hospitals shall be appointed to an initial term of one (1) year. All members of the committee shall, upon the expiration of their term, be eligible for reappointment and shall serve until their successors are appointed and qualified.

(d) Members of the committee shall serve without compensation but, when engaged in the conduct of their official duties as members of the committee, shall be entitled to reimbursement for travel expenses in accordance with uniform regulations promulgated by the department of finance and administration and approved by the attorney general.

(e) In voting on the approval of regulations pursuant to subdivision (7) of SECTION 3 of this act, the affirmative vote of at least five (5) members of the committee shall be required. For all functions and purposes five (5) members shall constitute a quorum. For all purposes other than the promulgation of regulations a majority vote of those present, after a quorum is present, shall be required for the transaction of business.

(f) Pursuant to the review of charges, as authorized by rules approved by the medical care and cost containment committee, including providing an opportunity for a hearing, any health care provider who is found to have imposed excessive charges may be subject to:

(1) A forfeiture of the right to payment of excessive charges;

(2) A civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and

(3) A temporary or permanent suspension of the right to provide medical care services for workers' compensation claims if the health care provider has established a pattern of violations.

AND FURTHER AMEND in the amendatory language of SECTION 10 by deleting the initial sentence, which begins "No later than", and substituting in lieu thereof the following:

"No later than January 1, 1993, the commissioner of labor shall appoint a medical director who shall be the executive secretary and a non-voting ex-officio member of the medical committee. The medical director shall be appointed from a

list of three nominees submitted by the Tennessee Medical Association. If the commissioner finds the list of three (3) nominees to be unsatisfactory, then the commissioner shall return the list to the Tennessee Medical Association and the association shall submit another list of nominees. This process shall be repeated, if necessary, until the commissioner selects a nominee to be medical director."

AND FURTHER AMEND in the second sentence of the original amendatory language in SECTION 10 by inserting the language "or medical care and cost containment committee, as appropriate" between the word "commissioner" and the punctuation ":".

AND FURTHER AMEND in item (8) of the amendatory language in SECTION 10 by deleting the word "commissioner" and by substituting the language "medical care and cost containment committee".

AND FURTHER AMEND in subsection (d) of the amendatory language to SECTION 11 by deleting the language "prior to suit" and by substituting instead the language "reached during the benefit review conference".

AND FURTHER AMEND in subdivision (g)(2) of the amendatory language of SECTION 11 by deleting the language "counsel" and by substituting instead the language "an attorney".

AND FURTHER AMEND in the amendatory language of SECTION 12 by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Any person charging a fee specifically for the representation of an employee in any early dispute resolution proceeding or benefit review conference under this chapter shall be an attorney licensed to practice law in the state of Tennessee.

AND FURTHER AMEND in the third sentence of subsection (a) in the amendatory language of SECTION 15 by deleting the language "or the designated representative of the party".

AND FURTHER AMEND in SECTION 22, as amended by House Amendment No. 8, by adding the following language at the end of the section's amendatory language:

In the event that a party does object, then the objecting party shall depose the physician within a reasonable period of time or the objection shall be deemed to be waived.

AND FURTHER AMEND by adding a new subdivision (4) to subsection (b) of Section 50-6-__01 in the amendatory language to SECTION 26 immediately following subdivision (b)(3) as follows:

(b)(4) The fund shall be required to maintain an

adequate rate and any assessment for accumulated liabilities shall be made only against those insured within the State Workers' Compensation Insurance Fund. No assessments shall be made against or for the Tennessee Guaranty Association, as described in Title 56, Chapter 12, and no assessment shall be made against a private insurer and/or any entity authorized under Tennessee Code Annotated, Section 50-6-405(c), not participating in the State Workers' Compensation Insurance Fund.

AND FURTHER AMEND in the second sentence of the amendatory language of SECTION 17 by deleting the language ", but in no instance shall such payments extend past the employee's sixty-fifth (65th) birthday." and by substituting instead the following language:

"until the employee reaches the age of sixty-five (65); provided, however, that with respect to disabilities resulting from injuries which occur after age sixty (60), permanent total disability benefits are payable for a period of two hundred sixty (260) weeks. Such compensation payments shall be reduced by the amount of any old-age insurance benefit payments attributable to employer contributions which the employee may receive under the Social Security Act, United States Code, title 42, chapter 7, subchapter II, as amended."

Senate Amendment No. 2

AMEND House Bill No. 2519 by adding the following as a new subsection (d) to Section 16 of the bill as amended :

(d) Any award made pursuant to this section paid in a lump sum shall not be reduced to reflect present day value.

FURTHER AMEND by adding the following language at the end of Section 17 of the bill as amended:

Any award made pursuant to this section paid in a lump sum shall not be reduced to reflect present day value.

FURTHER AMEND by adding the following language at the end of Section 18 of the bill as amended:

Any award made pursuant to this section paid in a lump sum shall not be reduced to reflect present day value.

Rep. Purcell moved that the House nonconcur in Senate Amendment(s) No(s). 14, 15, 33, 32, 31 and 2 to House Bill No. 2519.

Rep. Clark requested to divide the question on nonconcurring in the Senate Amendments, with Senate Amendments Nos. 14, 33, 32, 31 and 2 as Division I and Senate Amendment No. 15 as Division II.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Rep. Clark moved that the House nonconcur in Senate Amendment(s) No(s). 14, 33, 32, 31 and 2 as Division I to **House Bill No. 2519**, which motion prevailed.

Rep. Clark moved that the House concur in Senate Amendment(s) No(s). 15 as Division II to **House Bill No. 2519**, which motion failed by the following vote:

Ayes.	34
Noes.	53
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Buck, Chumney, Clark, Cole, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Ferguson, Hargrove, Haun, Herron, Hill, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Niceley, Odom, Pruitt, Rigsby, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Williams (Shelby), Windle -- 34.

Representatives voting no were: Allen, Anderson, Bittle, Bivens, Bragg, Byrd, Callicott, Coffey, Collier, Copeland, Crain, Curlee, Davis (Gibson), Duer, Fowlkes, Givens, Gunnels, Haley, Halteman, Hassell, Head, Hillis, Holcomb, Holt, Hubbard, Johnson, Joyce, King, Kisber, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Pinion, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tullis, Venable, West, Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 53.

Representatives present and not voting were: Rhinehart -- 1.

Thereupon, Rep. Purcell moved that the House nonconcur in Division II to **House Bill No. 2519**, which motion prevailed.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on the motion to concur in Division II to **House Bill No. 2519** and have this statement entered in the Journal.

Rep. Maria Peroulas Draper

MOTION

Rep. Copeland moved to set a time to adjourn. After discussion, he withdrew the motion.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2536 -- Insurance, Health, Accident -- Authorizes commissioner of health to require information concerning identity of persons covered by third party and Medicaid insurance; requires third parties to provide computerized file data; holds third party harmless when information requested is released to department. Amends TCA 71-5-117.

Senate Amendment No. 2

Amend Section 1 by deleting the following language:

"reasonable costs shall be reimbursed to the third party by the Department of Health as mutually agreed to in this written request."

and substituting in lieu thereof the following language:

"by submitting such a request, the Department of Health agrees to reimburse the third party for reasonable costs incurred by the third party in compiling and providing the data."

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2536**, which motion prevailed by the following vote:

Ayes.	90
Noes.	0
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Hassell, Joyce, Venable -- 3.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Hubbard moved to lift from the table the motion to reconsider Senate Bill No. 2554, which motion prevailed.

***Senate Bill No. 2554 -- Motor Vehicles --** Permits vehicles used for law enforcement purposes to violate certain rules of the road without using siren or light if in route to scene of crime in progress and use would jeopardize safety of driver, member of public or would impair driver's ability to apprehend criminal. Amends TCA, Title 55, Ch. 8.

Rep. Hubbard moved to reconsider action in passing Senate Bill No. 2554, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Robinson (Davidson) moved to re-refer Senate Bill No. 2554 to the Calendar and Rules Committee.

Rep. Rhinehart moved to table the motion to re-refer, which motion failed by the following vote:

Ayes.	27
Noes.	58

Representatives voting aye were: Allen, Bivens, Byrd, Callicott, Chiles, Coffey, Crain, Duer, Fowlkes, Gunnels, Hargrove, Haun, Head, Hillis, Johnson, Joyce, Kernell, McDaniel, McKee, Niceley, Rhinehart, Robinson (Washington), Shirley, Venable, Walley, Wix, Mr. Speaker Naifeh -- 27.

Representatives voting no were: Anderson, Armstrong, Bittle, Bragg, Buck, Chumney, Clark, Cole, Collier, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Givens, Haley, Halteman, Hassell, Herron, Hill, Holcomb, Holt, Jones U (Shelby), Kent, King, Kisber, Knight, Liles, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood -- 58.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. Robinson (Davidson) renewed the motion to re-refer House Bill No. 2554 to the Calendar and Rules Committee, which motion prevailed by the following vote:

Ayes.	60
Noes.	27

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Callicott, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Haley, Halteman, Hassell, Herron, Holcomb, Holt, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McAfee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Windle, Winningham, Wix, Wood -- 60.

Representatives voting no were: Allen, Byrd, Chiles, Coffey, Cole, Davis (Knox), Duer, Fowlkes, Givens, Gunnels, Hargrove, Haun, Head, Hill, Hillis, Hubbard, Kernell, McDaniel, McKee, Niceley, Rhinehart, Robinson (Washington), Shirley, Venable, Walley, Whitson, Williams (Union) -- 27.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 2821 -- Sunset Laws -- State building commission, June 30, 2000. Amends TCA, Title 4.

Senate Amendment No. 1

Amend House Bill No. 2821 by deleting all of Section 2 and substituting the follow:

SECTION 2. Tennessee Code Annotated, Section 4-29-214(A) is amended by adding the following as a new item:

() State Building [sic] Commission, created by 4-15-101;

Rep. King moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2821, which motion prevailed by the following vote:

Ayes.	87
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner --4458-

(Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***Senate Joint Resolution No. 0331** -- Constitutional Amendments -- Proposes amendment to Art. XI, Sec. 5, relative to income taxation and lotteries.

Rep. Chumney moved that the Clerk read the resolution for passage on Third Reading.

Rep. Kernell moved that **Senate Joint Resolution No. 331** be reset on the next Message Calendar, which motion failed by the following vote:

Ayes.	40
Noes.	42

Representatives voting aye were: Armstrong, Bivens, Bragg, Buck, Chumney, Clark, Collier, Curlee, Davis (Gibson), DeBerry, Dixon, Fowlkes, Halteman, Haun, Herron, Hillis, Holt, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Winningham, Mr. Speaker Naifeh -- 40.

Representatives voting no were: Anderson, Bittle, Byrd, Callicott, Coffey, Cole, Copeland, Crain, Cross, Davidson, Davis (Knox), Duer, Ferguson, Givens, Gunnels, Haley, Hargrove, Hassell, Hill, Holcomb, Hubbard, Joyce, Knight, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Rigsby, Rinks, Robinson (Davidson), Shirley, Tindell, Tullos, Venable, Walley, Whitson, Williams (Union), Windle, Wood -- 42.

Rep. Chumney moved that **Senate Joint Resolution No. 331** be held on the Clerk's desk, which motion failed by the following vote:

Ayes.	39
Noes.	46

Representatives voting aye were: Bivens, Buck, Chumney, Clark, Collier, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Halteman, Haun, Herron, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, McDaniel, McKee, Moore, Napier, Odom, Pinion, Pruitt, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Winningham, Mr. Speaker Naifeh -- 39.

Representatives voting no were: Allen, Anderson, Armstrong,

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Bittle, Bragg, Byrd, Callicott, Coffey, Cole, Copeland, Crain, Cross, Davidson, Davis (Knox), Duer, Fowlkes, Givens, Haley, Hargrove, Hassell, Hill, Hillis, Holcomb, Hubbard, Joyce, Liles, McAfee, Meyer, Niceley, Nuber, Peroulas Draper, Rhinehart, Rigsby, Rinks, Robinson (Washington), Shirley, Tindell, Tullos, Venable, Walley, West, Whitson, Williams (Union), Windle, Wix, Wood -- 46.

Rep. Buck moved to reset **Senate Joint Resolution No. 331** to the next available space on the next available calendar, which motion prevailed by the following vote:

Ayes.	42
Noes.	41
Present and not voting.	1

Representatives voting aye were: Armstrong, Bivens, Buck, Chumney, Clark, Collier, Curlee, Davis (Gibson), DeBerry, Dixon, Ferguson, Halteman, Haun, Herron, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, McDaniel, McKee, Moore, Napier, Odom, Pinion, Pruitt, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 42.

Representatives voting no were: Allen, Anderson, Bittle, Bragg, Byrd, Callicott, Coffey, Cole, Copeland, Crain, Cross, Davidson, Davis (Knox), Duer, Fowlkes, Haley, Hargrove, Hassell, Hillis, Holcomb, Hubbard, Joyce, Knight, Liles, McAfee, Meyer, Niceley, Nuber, Peroulas Draper, Rhinehart, Rigsby, Shirley, Tindell, Tullos, Venable, Walley, West, Whitson, Williams (Union), Windle, Wood -- 41.

Representatives present and not voting were: Givens -- 1.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 97: Rep(s). Crain as prime sponsor(s).

House Bill No. 960: Rep(s). Knight as prime sponsor(s).

House Bill No. 1081: Rep(s). Dixon as prime sponsor(s).

House Bill No. 1112: Rep(s). Jackson, Kernell, Odom, Hargrove, Purcell, Fowlkes, Mr. Speaker Naifeh as prime sponsor(s).

House Bill No. 2129: Rep(s). Windle, Bell, B. Turner, Winningham and Fowlkes as prime sponsor(s).

House Bill No. 2184: Rep(s). Phillips and Sipes as prime sponsor(s).

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

House Bill No. 2379: Rep(s). DeBerry as prime sponsor(s).

House Bill No. 2831: Rep(s). Kernell as prime sponsor(s).

House Bill No. 2837: Rep(s). Head as prime sponsor(s).

House Joint Resolution No. 700: Rep(s). West as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Sipes was removed as sponsor of **House Bill No. 2592**.

REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution.

House Bill No. 2129: Rep(s). Knight.

House Bill No. 2519: Rep(s). Knight.

MOTION TO RECESS

Rep. Severance moved that the House recess until Monday, May 4, 1992, which motion he then withdrew.

RECESS

Mr. Speaker Naifeh called a brief recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Chiles, the roll call was dispensed with.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Joint Resolution No. 0740 -- Memorials, Personal Achievement -- 1992 valedictorians and salutatorians of Carroll County high schools. by *Herron, *Ridgeway.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Introduced; referred to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

***Senate Joint Resolution No. 0509** -- Memorials, Recognition and Thanks --- Office of Legal Services, Legislative Services and Office of Legislative Administration.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0510** -- Memorials, Public Service -- Fred Lockett.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0511** -- Memorials, Public Service - - Bill and Ima Justis.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0512** -- Memorials, Recognition and Thanks -- Robert T. Dennis and Robert E. Henry.

Referred by the Speaker to the Calendar and Rules Committee.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, the following bills passed second consideration and were referred as follows:

House Bill No. 2880 -- Jonesborough -- Passed second consideration and held on the Clerk's desk pending approval by the local delegation.

House Bill No. 2881 -- Gibson County -- Passed second consideration and held on the Clerk's desk pending approval by the local delegation.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 1685** -- Criminal Offenses -- Creates offense of public indecency. Amends TCA 39-13-511. (HB 2794).

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Held pending third consideration of companion House Bill.

Senate Bill No. 2166 -- Criminal Procedure -- Gives city court of Goodlettsville concurrent state criminal jurisdiction with general sessions court. Amends TCA, Title 6, Ch. 21, Pt. 5. (*HB 2101).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2343** -- Chiropractors -- Removes exemption from annual education requirements for practitioners 65 or over in cases of retirement, certified illness, disability or other undue hardship. Amends TCA, Title 63, Ch. 4, Pt. 1. (HB 2656).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2604** -- Judges and Chancellors -- Permits judges and chancellors of courts of record, including appellate judges, to freely interchange with one another when necessary, desirable, or convenient. (HB 2669).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2766** -- Election Laws -- Allows retention of precinct boundaries not on census boundaries if precincts used in political subdivision redistricting plan approved by federal court. Amends TCA, Title 2, Ch. 3, Pt. 1. (HB 2774).

Held pending third consideration of companion House Bill.

MOTION TO RECESS

Rep. Purcell moved that the House recess until 10:00 a.m., Friday, May 1, 1992, which motion prevailed by the following vote:

Ayes.	47
Noes.	35
Present and not voting.	2

Representatives voting aye were: Anderson, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Davidson, Davis (Gibson), Davis (Knox), Givens, Haley, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, McKee, Moore, Niceley, Odom, Peroulas Draper, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Shirley, Tindell, Tullos, Turner (Hamilton), Walley, West, Williams (Shelby), Wood, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Allen, Armstrong, Bittle, Bivens, Callicott, Copeland, Crain, Cross, Curlee, Davis (Cocke), Dixon, Ferguson, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Huskey, Jones R (Shelby), Joyce, Liles, McAfee, Meyer, Napier, Rinks, Robinson (Washington), Severance, Stamps, Turner (Shelby),

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Whitson, Williams (Union), Windle, Winningham, Wix -- 35.

Representatives present and not voting were: DeBerry, Robinson (Hamilton) -- 2.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 690; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENROLLED BILLS
April 30, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 690; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 30, 1992**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 690.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 690; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2862; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

ENGROSSED BILLS

April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2124 and 2195; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 2862; also, House Joint Resolution(s) No(s). 690; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 713; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House; House Bill(s) No(s). 796, 789, 1410, 1707, 2863, 2868 and 2878; substituted for Senate Bill(s) on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House; House Bill(s) No(s). 2857, 2860, 2866, 2867, 2869, 2870, 2872, 2873, 2877

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

and 2879; substituted for Senate Bill(s) on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR
April 29, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 772, 1150, 1770, 1776, 1801, 1813, 1824, 1830, 1835, 1947, 1970, 2002, 2013, 2041, 2047, 2087, 2121, 2172, 2231, 2335, 2417, 2427, 2485, 2572, 2695, 2840, 2841, 2842 and 2849; also, House Joint Resolution(s) No(s). 666; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 728 and 734; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2216, 2217 and 2512; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2124, 2289, 2406 and 2416; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to request the return of House Bill No. 2124, for further consideration.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

BILL RETURNED

There being no objection, Rep. Fowlkes requested that the Clerk be directed to return House Bill No. 2124 to the Senate as requested.

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 471, 472, 473, 503, 512, 567, 610, 615, 631, 633, 650, 651, 657, 658, 714, 715, 716, 717, 718, 719, 720, 721, 722 and 723; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE GOVERNOR
April 30, 1992**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2862; also, House Joint Resolution(s) No(s). 690; with his approval.

**DAVID H. WELLES,
Counsel to the Governor.**

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return House Bill No. 2124. The Senate took no action and we are returning the bill.

**CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
April 30, 1992**

MR. SPEAKER: I am directed to return to the House, House

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

Bill(s) No(s). 2512 and 2664; substituted for Senate Bill(s) on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 713; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2874; also, House Joint Resolution(s) No(s). 724, 725, 726, 727, 729, 730, 731, 732, 733, 735, 736, 737, 738 and 739; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2819; substituted for Senate Bill(s) on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 724, 725, 726, 727, 729, 730, 731, 733, 735, 736, 737 and 738; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

ENGROSSED BILLS

April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2829; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2735; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House; House Bill(s) No(s). 2735; substituted for Senate Bill(s) on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 673; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1992

MR. SPEAKER: I am directed to return to the House; House Bill(s) No(s). 2216 and 2217, substituted for Senate Bill(s) on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

THURSDAY, APRIL 30, 1992 -- NINETIETH LEGISLATIVE DAY

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 30, 1992**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2880 and 2881.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 30, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Friday, May 1, 1992**: Senate Joint Resolution(s) No(s). 509, 510, 511 and 512; House Joint Resolution(s) No(s). 740; also, House Bill(s) No(s). 2880 and 2881.

PHILLIPS, Chair.